

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, JUNE 22, 2020 AT 5:30 P.M.

MEMBERS OF THE BOARD PARTICIPATED REMOTELY

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

Chairman Lyons conducted a roll call of the Board members present. All Board members were present via electronic media. He then advised of the following important notices: "This meeting is being held by electronic means pursuant to the Continuity of Government Ordinance adopted by the Board on April 6, 2020, due to the threats posed by the COVID-19 pandemic to the health, safety, and welfare of the public, and in accordance with the recommendations, guidelines and requirements of federal, state and local authorities.

Board members will be participating remotely. Staff will be presenting as normal in the Board of Supervisors meeting room at 150 S. Main Street, Lexington and while the room will be open to the public, no

more than 10 persons, including staff, will be allowed into the room at one time, as per the Board's COVID19 meeting policy.

We will hold citizen comment near the beginning of the meeting. Also, there is a Public Hearing this evening. We will do our best to take citizen comment remotely. There are two options for citizens to offer comment:

1) Join the Rockbridge County Board of Supervisor Zoom webinar

The link is available on the County website to copy into your browser.

2) Join by Telephone:

Dial in to one of the numbers listed on the County Website. Webinar ID and Password are there for your convenience. Citizens wishing to simply view the meeting live or after the fact can do so on the Rockbridge County Board of Supervisors YouTube Channel which is also available on the County website."

Changes to the Agenda:

There were none.

Recognitions and Presentations:

Resolution recognizing Ronnie Harris:

Chairman Lyons read aloud the following resolution:

A RESOLUTION EXPRESSING THE APPRECIATION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO WILLIAM R. HARRIS, MAINTENANCE GARAGE TECHNICIAN, ON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-SEVEN YEARS OF DEDICATED SERVICE

WHEREAS, William R "Ronnie" Harris began his full-time employment on August 3, 1992 as the Fleet Services Technician; and,

WHEREAS, Mr. Harris has served as the Fleet Services Technician for more than twenty-seven years; and,

WHEREAS, Mr. Harris was a very dedicated and loyal employee, performing his duties in professional manner consistently receiving compliments from the citizens of Rockbridge County and his co-workers who he was always willing to assist; and,

WHEREAS, Mr. Harris's duties included the critical assignment of helping to ensure the safe transportation of thousands of students over the course of his career via timely and effective maintenance of school buses; and,

WHEREAS, Mr. Harris additionally ensured that law enforcement, public safety, regional jail and administrative staff utilized safe and well-maintained vehicles in the course of fulfilling their daily duties; and,

WHEREAS, Mr. Harris was a good friend to all he encountered while serving Rockbridge County; and,

WHEREAS, Mr. Harris has chosen to retire after many years of public service.

NOW, THEREFORE, BE IT RESOLVED: That the Board of Supervisors of Rockbridge County, Virginia, does hereby express its deep appreciation to William R "Ronnie" Harris, for his twenty-seven years of dedicated service to the citizens, students, and employees of Rockbridge County, and offers sincere congratulations and best wishes for a happy and rewarding retirement.

NOW, THEREFORE, BE IT FURTHER RESOLVED: That the Board of Supervisors presents this resolution of appreciation to Mr. Harris to serve as a reminder that although he is retiring, he will always be remembered as a kind, considerate, and loyal individual dedicated to both his position and his family.

Adopted this 22nd day of June 2020.

Supervisor Day moved to adopt the resolution. 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

Mr. Suter advised that the County had already held a retirement party for Mr. Harris prior to his final departure. He added that a resolution honoring Community Development Director Sam Crickenberger would be presented at the July 27th meeting, followed by a retirement reception at a date and location to be determined.

Supervisor Lewis commended Mr. Crickenberger for his many years of service to Rockbridge County.

Citizens Comments:

Chairman Lyons advised of the following: "I'll remind everyone that, in addition to participating by Zoom or telephone, written Citizens Comments have been solicited for receipt via email, U.S. Mail and the dropbox located at the front entrance to the County Administration building. We will take comments in the following order:

Comments received via email, letter or dropbox will be shared with the Board.

For in-person participants, if any:

The moderator will ask if there are any participants present to comment. If there are, they will be invited to approach the podium and address the Board.

For Zoom participants:

a. Participants who do not have a microphone on their computer can click on the Q & A button and submit their comment via typing. The moderator will read the comment aloud during public comment. When typing a comment, please begin with your name and magisterial district.

b. Participants with a microphone on their computer can click on "Raise Hand" button. The moderator will unmute participants one at a time to receive verbal comment. Citizens will be asked to state their name and magisterial district.

For Phone Participants:

Citizens participating by phone will also be allowed to speak and can utilize the "Raise Hand" feature. To raise your hand by phone press *9. This will allow the moderator and Board to see a hand raised associated

with your phone number. When the moderator or Board member grants you permission to speak you will hear a prompt on your phone that you may speak.

In any case, citizen comments will follow the same rules as normal.

- Please state your name and magisterial district, and,
- Please limit your comments to 3 minutes

At this time, I will open the citizens comment period."

There were no written comments, citizens physically present, or citizens requesting to comment via electronic means.

Mr. Suter noted that there was one email sent in relative to one of the public hearings, which would be read during the hearing.

Chairman Lyons closed the citizen comment period.

Approval of the June 8, 2020 Minutes:

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

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

Consideration of County Closeout of FY 2019-2020 including Appropriation Resolution and Payment of Bills:

Fiscal Services Director Steven Bolster, who participated remotely, presented the resolution, as shown below.

Supervisor Lewis moved to adopt the resolution, as presented.

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

Ayes: Lewis, Day, 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 COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, JUNE 22, 2020 AT 5:30 P.M.

On motion by Supervisor Lewis, seconded by Supervisor Day, the Board, by record vote, adopted the following appropriation resolution and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

GENERAL FUND:

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

4-11-33010-3001 Operational Charges (Jail).....	\$209,889.00
Total General Fund Appropriations	\$209,889.00

Current County

11 - General Fund	\$441,706.32
94 - Central Stores	\$983.75
372 - Construction Project Fund	\$12,496.41
376 - Capital Purchases Fund	\$2693.75

Total County Bills **\$457,880.23**

Current Fiscal Agent

80 - Regional Jail	\$131,623.35
241 - E-Summons Fees	\$3,662.02

Total Fiscal Agent **\$135,285.37**

TOTAL ALL BILLS **\$593,165.60**

Consideration of Approval of Payment of Final FY 2019-2020 Payroll:

Mr. Bolster presented the memorandum requesting the Board's approval of the final payroll, as required for the audit. During his review, he explained that invoices had been received after posting to BoardDocs that were not included in the resolution but would need to be paid. He stated that approval of those expenditures would be brought back at the next meeting.

Supervisor McDaniel moved to approve the final payroll, as requested. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

MEMORANDUM

TO: The Honorable Board of Supervisors
FROM: Director of Fiscal Services
DATE: June 17, 2020
SUBJECT: Approval of payment of last payroll for FY 2020

A requirement of the audit is to garner Board consent for the final payroll that will take place prior to the end of the fiscal year. I'm seeking your approval on this action item.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE OFFICE, 150 S. MAIN
STREET, LEXINGTON, VIRGINIA, ON MONDAY, JUNE
22, 2020 AT 5:30 P.M.

On a motion of Supervisor McDaniel, with a second by Supervisor Lewis, the Board approved payment of payroll for the end of the 2019-2020 fiscal year.

Consideration of FY 2020-2021 County Budget:

Mr. Bolster presented the resolution and recommended approval as presented.

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

Ayes: Day, McDaniel, Ayers, Lewis, 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, JUNE 22, 2020 AT 5:30 P. M.

On motion of Supervisor Day, with second by Supervisor McDaniel, the following functions are allowed as appropriations in accordance with the Budget dated FY 2020-2021 that is filed with the records of the Board (to become effective July 1, 2020).

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations be, and the same hereby are made, for the period ending **June 30, 2021**, in the:

GENERAL FUND, FUND 11: (To be expended only on order of the Board of Supervisors with the exception of Social Services activities, which are to be expended only on order of the Rockbridge Area Social Services Board):

Board of Supervisors	\$ 136,602.00
General and Financial Administration	\$ 1,810,020.00
Registrar	\$ 213,517.00
Judicial Administration	\$ 1,837,932.00
Public Safety	\$10,299,053.00
Public Works	\$ 3,418,646.00
Health and Welfare	\$ 1,553,032.00
Education	\$ 75,046.00
Parks, Recreation, and Cultural	\$ 1,442,351.00
Community Development	\$ 2,612,986.00
Non-Departmental	<u>\$23,141,930.00</u>
Total General Fund	\$46,541,114.00

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations be, and the same hereby are made, for the period ending **June 30, 2021**, in the:

CONSTRUCTION PROJECT FUND, FUND 372: (To be expended only on order of the Board of Supervisors):

Staffed Collection Centers	\$ 361,700.00
Health Dept Boiler Replacement	<u>\$ 50,000.00</u>
Total Construction Project Fund	\$ 411,700.00

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations be, and the same hereby are made, for the period ending **June 30, 2021**, in the:

CAPITAL PURCHASES FUND, FUND 376: (To be expended only on order of the Board of Supervisors):

Imaging X-ray Equipment	\$ 29,116.00
Sheriff Vehicles	\$ 282,387.00
All-terrain Vehicle	\$ 12,000.00
Hauling Trailer	<u>\$ 7,000.00</u>
Total Capital Purchases Fund	\$ 330,503.00

Consideration of FY 2020-2021 School Division Budget:

Mr. Bolster presented the resolution and recommended approval as presented.

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

Ayes: McDaniel, Ayers, Day, Lewis, 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, JUNE 22, 2020, AT 5:30 P.M.

On motion by Supervisor McDaniel, seconded by Supervisor Ayers, the Board, by record vote adopted the following resolution to appropriate the FY 2020-2021 School Fund (Fund 50) and the School Cafeteria Fund (Fund 56) in accordance with the Rockbridge County School Division budget dated FY 2020-2021, which is filed with the records of the Board to become effective July 1, 2020. (The School Administration provided account line numbers for the appropriations):

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations be, and the same hereby are made, for the period ending **June 30, 2021**, in the **SCHOOL EDUCATION FUND (Fund 50)** and expended on the order of the School Board as follows:

4-050-61000	Instruction.....	\$22,480,548.00
4-050-62000	Administration & Health.....	\$2,020,066.00
4-050-63000	Pupil Transportation.....	\$2,750,542.00
4-050-64000	Operations and Maintenance.....	\$2,831,161.00
4-050-66000	Facilities.....	\$20,000.00
4-050-67000	Debt Service.....	\$4,046,259.00
4-050-68000	Technology.....	<u>\$1,405,742.00</u>
TOTAL APPROPRIATIONS SCHOOL EDUCATION FUND.....		\$35,554,318.00

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation be, and the same hereby is made, for the period ending **June 30, 2021** in the **SCHOOL CAFETERIA FUND (Fund 56)** and expended on the order of the School Board as follows:

4-056-65000	School Cafeteria.....	<u>\$1,066,775.00</u>
TOTAL APPROPRIATIONS SCHOOL CAFETERIA FUND.....		\$1,066,775.00

Shawn and Sandi Lohr (Woodlore)- Special Exception for Light Manufacturing in B-1:

Assistant Director of Community Development Chris Slaydon introduced the applicant, Michael Lohr, who was participating remotely. He then

provided a PowerPoint presentation that included the zoning map of the proposed location and the special conditions recommended by the Planning Commission, as listed in the ordinance shown below. Mr. Slaydon's review included information from his agenda item which contained the following information: "The Lohrs have applied for a special exception permit for light manufacturing in the General Business District (B-1) per Section 605.03-1 of the Regulations to process logs for furniture. They have been operating out of 249 Sterrett Road for several years but their business has expanded to the point with the use of a portable saw mill and plans to add a small dry kiln that they are now considered light manufacturing in this zoning district. The Planning Commission has recommended approval of this application with the condition that the outside portable mill not be operated on Sundays and after 6:00 p.m. Monday through Saturday."

Mr. Lohr agreed to the special conditions as recommended.

Chairman Lyons opened the Public Hearing. Hearing no comments, Chairman Lyons closed the Public Hearing.

Supervisor Lewis moved to adopt the ordinance, as presented.

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

Ayes: Lewis, Day, 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, JUNE 22, 2020

Ordinance to Grant a Special Exception Permit to Shawn and Sandi Lohr, d/b/a Woodlore, for a Light Manufacturing Business in the General Business District (B-1) on a Parcel of Land Owned By New Vision Trust Company (Tax Map #39-11-A1-2) Located at 249 Sterrett Road in the Walkers Creek Magisterial District

WHEREAS, Shawn and Sandi Lohr, doing business as Woodlore, have filed a petition for a special exception permit to operate a light manufacturing business to process logs for furniture in the General Business District (B-1) on a parcel of land owned by New Vision Trust Company located at 249 Sterrett Road, identified on the Rockbridge County Land Records as Tax Map #39-11-A1-2, in the Walkers Creek Magisterial District of Rockbridge County; and,

WHEREAS, the Planning Commission held a public hearing on this matter on June 10, 2020, 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 June 22, 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 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 Shawn and Sandi Lohr, d/b/a Woodlore, for operation of a light manufacturing business to process logs for furniture in the General Business District (B-1), on a parcel of land owned by New Vision Trust Company located at 249 Sterrett Road, identified on the Rockbridge County Land Records as Tax Map #39-11-A1-2, in the Walkers Creek Magisterial District of Rockbridge County, 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 following condition:

(a) There shall be no use of any outside portable sawmill on site on Sundays and/or after 6:00 p.m. Mondays through Saturdays.

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 22nd day of June, 2020.

Will Harris- Rezone from I-1 to A-T:

Mr. Slaydon explained that this item, as well as the one to follow, both pertain to the same property. He then provided a PowerPoint presentation that included the zoning map of the proposed location and the Planning Commission's recommendation as listed in the ordinance shown below. Mr. Slaydon's review included information from his agenda item which contained the following information: "Mr. Harris has applied to rezone 37 acres of the former Stillwater property in Goshen from I-1 to A-T. He would like to develop a campground which is a use by special exception and will be the next agenda item follow approval of the rezoning. The rezoning has no associated proffers as staff felt conditions should be associated with the special exception permit. The Planning Commission has recommended approval of this application."

Chairman Lyons opened the Public Hearing. Hearing no comments, Chairman Lyons closed the Public Hearing.

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

Ayes: Lewis, Day, McDaniel, 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, JUNE 22, 2020

Ordinance to Change the Zoning Classification from the General Industrial District (I-1) to the Agricultural Transitional District (A-T) of 37 Acres of Land (being portions of Tax Map #13-4-3, #13-4-1 and #13-4-1A), Located to the Southeast of Maury River Road (Route 39), East of the Town of Goshen, in the Walkers Creek Magisterial District of Rockbridge County, Owned By Victoria Development, LLC

WHEREAS, William Harris, as the developer, and Victoria Development, LLC, the owner, have filed a petition to rezone from the General Industrial District (I-1) to the Agricultural Transitional District (A-T), 37 acres of land, being portions of Tax Map #13-4-3, #13-4-1 and #13-4-1A, as shown on a site plan entitled 'Stillwater Campground Rezoning & Special Exception Plan' dated May 15, 2020, with revision dates of May 21, 2020, and May 27, 2020, located to the southeast of Maury River Road (Route 39), just east of the Town of Goshen, in the Walkers Creek Magisterial District of Rockbridge County; and,

WHEREAS, the Planning Commission held a public hearing on this matter on June 10, 2020, and recommended approval of the application to the Board; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on June 22, 2020; and,

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

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

1. That the zoning classification of 37 acres of land, located to the southeast of Maury River Road (Route 39), just east of the Town of Goshen, in the Walkers Creek Magisterial District of Rockbridge County, identified upon the Rockbridge County Land Records as portions of Tax Map #13-4-3, #13-4-1 and #13-4-1A, as shown on a site plan entitled 'Stillwater Campground Rezoning & Special Exception Plan' dated May 15, 2020, with revision dates of May 21,2020, and May 27, 2020, owned by Victoria Development, LLC, be and hereby is changed from General Industrial District (I-1) to the Agricultural Transitional District (A-T).

2. That this action is taken upon the application of William Harris, developer, and Victoria Development, LLC, the property owner.

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 22nd day of June, 2020.

Will Harris- Special Exception for Campground in A-T:

Mr. Slaydon briefly reviewed the agenda item which included the following information: "Mr. Harris has applied for a special exception permit to develop a 200 lot campground along the Calfpasture River per Section 603B.03-8 of the Land Development Regulations. VDOT has approved the entrance and DEQ has determined that the project is consistent with the environmental remediation plan developed through the Brownsfield program. Mr. Harris has worked with our Fire Chief to develop an emergency evacuation plan as the property is within the 100 year flood plain of the

Calfpasture. Per Section 608.12, Flood-Fringe District, underlying uses per zoning are permitted as long as they meet any requirements of the Virginia Uniform Statewide Building Code. There are also Health Department requirements associated with campgrounds regarding water and waste water as well as bathroom and shower details that will need their final approval. The Planning Commission has recommended approval with the conditions listed in the attached ordinance." He advised that a revised evacuation plan was presented to the Board for review just before the Board meeting. He noted that the biggest modification is to require all campers be relocated at a minimum of 11.5 feet of floodwaters. He recommended that the ordinance be amended to include the date of the revised evacuation plan.

Russ Orrison of Perkins and Orrison reviewed the site plan noting the approval is subject to VDOT, the Health Department, and Erosion and Sediment approval.

Applicant Will Harris concurred with the proposed evacuation plan.

Chairman Lyons asked for the amount of tent and RV sites.

Mr. Harris replied, initially 100 sites but setting it up for 200.

Chairman Lyons opened the Public Hearing. Hearing no comments, Chairman Lyons closed the Public Hearing.

Mr. Harris asked the Board for a moment to commend, soon-to-retire Community Development Director Sam Crickenberger, stating that Mr. Crickenberger was a great asset to the County.

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

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

Supervisor Lewis shared his support of this project stating it will be a great idea for the Town of Goshen.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, JUNE 22, 2020

Ordinance to Grant a Special Exception Permit to William Harris and Victoria Development, LLC, to Develop a Campground in the Agricultural Transitional District (A-T), on 37 Acres of Land (being portions of Tax Map #13-4-3, #13-4-1 and #13-4-1A), Located to the Southeast of Maury River Road (Route 39), East of the Town of Goshen, in the Walkers Creek Magisterial District

WHEREAS, William Harris, as the developer, and Victoria Development, LLC, the owner, have filed a petition for a special exception permit to develop a campground in the Agricultural Transitional District (A-T), on 37 acres of land, being portions of Tax Map #13-4-3, #13-4-1 and #13-4-1A, as shown on a site plan entitled 'Stillwater Campground Rezoning & Special Exception Plan' dated May 15, 2020, with revision dates of May 21, 2020, and May 27, 2020, located to the southeast of Maury River Road (Route 39), just east of the Town of Goshen, in the Walkers Creek Magisterial District of Rockbridge County; and,

WHEREAS, the Planning Commission held a public hearing on this matter on June 10, 2020, 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 June 22, 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 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 William Harris, as the developer, and Victoria Development, LLC, the owner, to develop a campground in the Agricultural Transitional District (A-T), on 37 acres of land, being portions of Tax Map #13-4-3, #13-4-1 and #13-4-1A, as shown on a site plan entitled 'Stillwater Campground Rezoning & Special Exception Plan' dated May 15, 2020, with revision dates of May 21, 2020, and May 27, 2020, located to the southeast of Maury River Road (Route 39), just east of the Town of Goshen, in the Walkers Creek Magisterial District of Rockbridge County, 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 following conditions:

(a) Substantial Compliance with site plan entitled 'Stillwater Campground Rezoning & Special Exception Plan' dated May 15, 2020, with revision dates of May 21, 2020, and May 27, 2020, prepared by Perkins & Orrison, a copy of which is attached hereto as Exhibit A.

(b) Compliance with approved Evacuation Plan dated June 22, 2020, a copy of which is attached hereto as Exhibit B.

(c) Approval contingent on final Virginia Department of Transportation, Erosion and Sediment Control, and Health Department approvals.

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 22nd day of June, 2020.

Shentel- Special Exception for Data Center in B-1:

Mr. Slaydon presented a PowerPoint presentation to include a zoning map of the proposed location and the Planning Commission's recommendation as shown in the draft ordinance. His review included information from his agenda item which contained the following information: "Shentel has applied for a special exception permit to expand their small unmanned data center off of Bares Wood Lane in the General Business District per Section 605.03-10. This center is supported by the fiber line they have constructed down the Interstate 81 corridor. Shentel is currently renting rack space in the Petersen Data Center. The Planning Commission recommended approval conditioned on substantial compliance with the site plan prepared by Perkins & Orrison dated May 11, 2020."

Mr. Orrison reviewed the site plan.

Supervisor Ayers asked, if Shentel is still currently in negotiations with the Nuckols, what happens if the Board approves this but negotiations fail?

Mr. Orrison explained that the landowners must first sign off on this application in order to proceed with the Board's approval process. He stated that the permit would ultimately expire in 6 months should negotiations fail.

Supervisor Ayers asked about any proposed screening between the building and the main road.

Mr. Orrison indicated that there is currently a cedar fence row and that no proposed plantings or changes are being recommended at this time.

Supervisor Ayers suggested that language be added to require replacement screening of the cedar fence row should it ever be removed.

Mr. Orrison stated that there are no plans to remove the current fence row, however did not mind adding a condition replace the fence if ever it were removed.

Chairman Lyons opened the Public Hearing. Hearing no comments, Chairman Lyons closed the Public Hearing.

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

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

Supervisor Ayers moved to reconsider the previous motion in order to add additional language. Supervisor Day provided the second, and the previous motion was reconsidered by the following roll call vote by the Board:

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

Supervisor Ayers then moved to add a condition to the ordinance specifying that a replacement buffer be added in the event that the

current cedar fence row be removed. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Ayers, Day, Lewis, 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 ADMINISTRATION OFFICES ON MONDAY,
JUNE 22, 2020

Ordinance Granting a Special Exception Permit to Shentel Communication LLC for Expansion of Its Data Center Site to Construct a Communications Facility for a Repeater Station in the General Business District (B-1), Located off of Bares Woods Lane on a Portion of Property Owned by Richard S. Nuckols, Jr., Vicki Kruse, and W. Lawrence Nuckols in the Buffalo Magisterial District and Further Identified as a Portion of Tax Map No. 76-A-42

WHEREAS, by Ordinance adopted on August 22, 2016, the Board of Supervisors of Rockbridge County granted a Special Exception Permit to Shentel Communications, LLC (“Shentel”), and Richard S. Nuckols, Jr., Vicki Kruse, and W. Lawrence Nuckols, as the owners, for construction and operation of a small unmanned data center including an equipment building, a fenced telecommunications yard, a generator, and a propane tank, as a public utility, to support the fiber line being constructed along the Interstate 81 corridor, in the General Business District (B-1), on a 2500 square foot parcel of land off of Bares Woods Lane in the Buffalo Magisterial District of Rockbridge County, and being a portion of the property identified upon the Rockbridge County Land Records as Tax Map #76-A-42 (now identified as Tax Map #76-A-42E); and,

WHEREAS, Shentel and the aforesaid owners have petitioned for a Special Exception Permit to expand the Data Center Site to an additional area of 8,450 square feet, for construction of a communications facility to be used as a repeater station; and,

WHEREAS, the Planning Commission held a public hearing on this matter on June 10, 2020, and recommended approval to the Board 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 June 22, 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 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 of Supervisors finds that the granting of a special exception permit to Shentel Communications LLC, for a 8,450 square-foot expansion of its Data Center Site to construct a 560 square-foot communications facility for a repeater station, located off of Bares Woods Lane approximately .4 miles north of its intersection with East Midland Trail, in the Buffalo Magisterial District of Rockbridge County, and being a portion of the property identified upon the Rockbridge County Land Records as Tax Map #76-A-42, in the General Business District (B-1), 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 pursuant to Section 605.03-10 of the Rockbridge County Land Development Regulations, subject to and conditioned upon:

- (a) Substantial compliance with the site plan prepared by Perkins & Orrison dated May 11, 2020.

(b) In the event trees along Bares Woods Lane are removed, they will be replaced with evergreens and maintained.

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; provided, however, that this Ordinance shall not supersede, but shall be supplemental to, the special exception permit for the data center and appurtenances on the portion of property identified as Tax Map #76-A-42 (now identified as Tax Map #76-A-42E) in the General Business District (B-1), granted to Shentel Communications, LLC, by Ordinance adopted on August 22, 2016.

Adopted this 22nd day of June, 2020.

Consideration of Court Security Fee Increase:

County Attorney Vickie Huffman briefly reviewed the agenda item which included the following information: "In the 2020 legislative session, senate bill 149 was approved, effective July 1, 2020. (Copy attached.) This bill amends Va. Code Section 53.1-120 to increase the maximum allowable courthouse and courtroom security fee from \$10 to \$20. Rockbridge County enacted County Code §18-4 to impose the allowable \$5 fee in 2002, and the fee was increased to \$10 per case in 2007.

In accordance with the enabling statute, the fee is assessed as part of the court costs in each criminal or traffic case in the district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. The fees are collected by the clerk of the court in which the case is heard, then remitted to the County Treasurer and held for appropriation by the Board of Supervisors to the Sheriff's Office. The assessment may be used solely for funding courthouse security

personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

Chief Deputy Tony McFadden has submitted a request for the Board to consider this fee increase, noting that the security systems in the Courthouse, such as cameras, DVR's and PA, are starting to fail and become unserviceable.

At the June 8th Board meeting, the Board considered a draft ordinance and authorized notice and public hearing for the June 22nd Board meeting."

Supervisor Lewis asked if the funds could be used for the security equipment upgrade.

Ms. Huffman replied that the Board would need to appropriate those funds at that time. She stated that action being requested is solely for authorization to collect the funds.

Chairman Lyons opened the Public Hearing. Hearing no comments, Chairman Lyons closed the Public Hearing.

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

Ayes: Lewis, McDaniel, Ayers, Day, 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,
JUNE 22, 2020

ORDINANCE TO AMEND SECTION 18-4 IN ARTICLE I OF CHAPTER 18 – LAW ENFORCEMENT OF THE ROCKBRIDGE COUNTY CODE, TO PROVIDE FOR AN INCREASE IN COURTHOUSE AND COURTROOM SECURITY FEES FROM TEN DOLLARS (\$10.00) TO TWENTY DOLLARS (\$20.00)

1. BE IT ENACTED by the Rockbridge County Board of Supervisors, pursuant to §53.1-120 of the Code of Virginia (1950, as amended), that Section 18-4 in Article I of Chapter 18 – LAW ENFORCEMENT of the Rockbridge County Code, be and hereby is amended and reenacted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 18

LAW ENFORCEMENT

Art. I. In General, §§18-1--18-10

Art. II. Disposal of Unclaimed Property in Custody of Sheriff, §§18-11--18-17

ARTICLE I. IN GENERAL

Sec. 18-4. Courthouse and courtroom security fees.

A sum in the amount of twenty dollars (\$20.00) is hereby assessed as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any Statute or Ordinance. The assessment shall be collected by the Clerk of the court in which the case is heard, remitted to the Rockbridge County Treasurer, held by the Treasurer subject to appropriation by the Board of Supervisors to the Sheriff's office for the funding of courthouse security personnel, and, if requested by the Sheriff, equipment and other personal property used in connection with courthouse security.

2. This Ordinance shall be effective as of the 1st day of August, 2020.

Adopted this 22nd day of June, 2020.

Consideration of Transient Occupancy Tax Increase:

Ms. Huffman briefly reviewed the agenda item which included the following information: "In the 2020 legislative session, SB588ER2 was approved to equalize the authority of counties to that of cities and towns for food and beverage taxes, transient occupancy taxes, admissions taxes and cigarette taxes. Effective July 1, 2020, Rockbridge County has

authority to increase the Transient Occupancy Tax beyond the current rate of 7% currently charged by the County. The first 2% goes to the general fund, the next 3% must be spent on tourism, and the next 2% must be applied to Horse Center debt. Any rate increase over 7% is not restricted and may be placed in the general fund.

As presented at the June 8th Board meeting, the Board's Finance Committee has recommended consideration of imposing a 3% increase in the Transient Occupancy Tax. Upon consideration of the draft Ordinance, the Board authorized notice and public hearing for the June 22nd Board meeting.

The proposed Ordinance to increase the tax by 3% is attached. The tax is collected from customers by the hotel, motel, or travel campground, and is held in trust until paid to the County. Returns are filed with the Commissioner of the Revenue.

Per Fiscal Services Director Bolster, a 1% transient occupancy tax levy would generate approximately \$237,500 in FY 2021. However, a 30% downward adjustment due to the COVID-19 pandemic results in \$166,250 of additional anticipated revenue. A 2% increase in the tax would generate approximately \$332,500; a 3% increase in the tax would generate approximately \$498,250.

If acceptable to the Board, following public hearing and any discussion, take action to adopt the proposed Ordinance with an effective date of August 1, 2020."

Chairman Lyons opened the Public Hearing. Hearing no comments, Chairman Lyons closed the Public Hearing.

Supervisor McDaniel asked how long the Virginia Horse Center (VHC) would be receiving the 2% tax it currently receives.

Ms. Huffman shared that the 2% is statutory allocation that cannot be given to anyone else but the VHC and that the 3% increase must go towards tourism.

Supervisor Ayers asked if the 2% currently given to the VHC is under the County's control.

Ms. Huffman replied, the Board could appeal the 2% given to the VHC. She stated that the State authorizes the locality to impose the 2% tax but it can only go to the VHC debt. She added that the money goes directly toward the USDA's payment for the VHC's original financing until it is paid in full.

Supervisor Ayers asked how long the note is for on the original financing.

Ms. Huffman replied, she believed it was until year 2047. She added that the tax can include any refinancing, just not an increase from the original debt amount.

Supervisor McDaniel moved to adopt the ordinance, as presented. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
JUNE 22, 2020

ORDINANCE TO AMEND SECTION 25-177 IN ARTICLE IX – TRANSIENT OCCUPANCY TAX OF THE ROCKBRIDGE COUNTY CODE CHAPTER 25 – TAXATION, TO INCREASE THE RATE OF TRANSIENT OCCUPANCY TAX FROM SEVEN PERCENT (7%) TO TEN PERCENT (10%) AND TO INCREASE THE RATE TO BE ALLOCATED THEREFROM TO THE GENERAL FUND OF THE COUNTY FROM TWO PERCENT (2%) TO FIVE PERCENT (5%)

1. BE IT ENACTED by the Rockbridge County Board of Supervisors that, pursuant to Section 58.1-3819 of the Code of Virginia (1950, as amended), effective July 1, 2020, Section 25-177 of Article IX in Chapter 25 -TAXATION, of the Rockbridge County Code be and hereby is amended and reenacted, as follows:

ROCKBRIDGE COUNTY CODE

Chapter 25

TAXATION

ARTICLE X. TRANSIENT OCCUPANY TAX

Sec. 25-177. Levy and amount.

There is hereby levied and imposed by the County, in addition to all other taxes and fees of every kind now imposed by law, on each transient, a transient occupancy tax of ten percent (10%) of the total amount paid for lodging rental by or for any transient to any hotel or travel campground, the revenues from which are allocated as follows:

- (1) Five percent (5%), pursuant to Code of Virginia, §58.1-3819, to the general fund of the County.
- (2) Three percent (3%), pursuant to Code of Virginia, §58.1-3819, which shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the County.
- (3) Two percent (2%), pursuant to Code of Virginia §58.1-3825, which shall be appropriated to the Virginia Horse Center Foundation to be used by the Foundation for the sole purpose of making principal and interest payments on a promissory note or notes signed or executed by the Virginia Horse Center Foundation or the Virginia Equine Center Foundation prior to January 1, 2004, with the Rockbridge Industrial Development Authority as the obligee or payee, as part of an agreement for the Authority to issue bonds on behalf of or for improvements at the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center. For purposes of this Subsection, such note or notes signed or executed prior to January 1, 2004, shall include any notes or other indebtedness incurred to refinance such note or notes, regardless of the date of refinancing, provided that such refinancing shall not include any debt or the payment of any debt for any activity relating to the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center that occurs on or after January 1, 2004. The tax imposed under this Subsection shall not be imposed after final payment of the note or notes described herein.

2. This Ordinance shall be effective on and from the first day of August, 2020.

Adopted this 22nd day of June, 2020.

Consideration to Implement Admissions Tax:

Ms. Huffman advised that Commissioner of the Revenue David Whitesell was present for any questions. She then briefly reviewed the agenda item which included the following information: "In the 2020 legislative session, SB588ER2 was approved to equalize the authority of counties to that of cities and towns for food and beverage taxes, transient occupancy taxes, admissions taxes and cigarette taxes. Effective July 1, 2020, Rockbridge County has authority to impose Admissions tax, not-to-exceed 10% of the admission charge.

As presented at the June 8th Board meeting, the Board's Finance Committee has recommended consideration of imposing the admissions tax. Upon consideration of the draft Ordinance, the Board authorized notice and public hearing for the June 22nd Board meeting.

As provided in § 58.1-3817, the event classifications for which an admissions tax may be imposed are as follows:

1. Admissions charged for attendance at any event, the gross receipts of which go wholly to charitable purpose or purposes.

2. Admissions charged for attendance at public and private elementary, secondary, and college school-sponsored events, including events sponsored by school-recognized student organizations.

3. Admissions charged for entry into museums, botanical or similar gardens, and zoos.

4. Admissions charged to participants in order to participate in sporting events.

5. Admissions charged for entry into major league baseball games and events at any major league baseball stadium which has seating for at least 40,000 persons.

6. All other admissions.

The classifications mean that different rates (not to exceed 10%) may be charged for the events falling within the specified categories.

The proposed Ordinance to impose the Admissions Tax is attached. The tax is collected by the operator of the event or business from the customer and is held in trust until paid to the County. Returns are filed with the Commissioner of the Revenue.

Determinations as to whether the tax applies to a specific event, series of events, or business is within the purview of the Commissioner of the Revenue. However, generally speaking, the tax would not be imposed on purchase of a meal or product, but would be imposed on any admission charge for entry to an event, occasion or business. A non-exclusive list of examples is included in Section 25-242 of the Ordinance. For those who have questions, an application for a pre-determination may be filed with Commissioner of the Revenue Whitesell.

Revisions since the June 8th meeting, when the proposed Ordinance was originally presented, include:

(1) Removal of the exemption for school-sponsored events (including sports) and events sponsored by school-recognized student organizations in Section 25-241(C), as this was the Finance Committee's original intent. The exemption for "admissions charged to participants in order to participate in sporting events" remains.

(2) In Section 24-242 - Applicability, "horse shows" has been added with "horse races" in the examples; note, however, that there is a tax only if there is an admission charge.

(3) Section 25-243(D) has been modified to provide that returns be filed with the Commissioner of the Revenue, the assessing authority, who then transmits any remittances to the Treasurer.

Per input from Fiscal Services Director Bolster, there is no history with this tax to provide an estimate of the revenue that may be generated. However, some examples of the amount of tax, based upon a 10% tax levy, that may be generated are as follows:

- Virginia Safari Park: adult (13-64) ticket price of \$25.95 results in a \$2.60 tax
- Natural Bridge Zoo: adult (13-64) ticket price of \$16.00 results in a \$1.60 tax
- Natural Bridge Caverns: adult cavern tours at \$21.75 results in a \$2.18 tax
- Dinosaur Kingdom II: ages 13+ at \$12.00 results in a \$1.20 tax
- Hulls Drive-in Theater: double feature night of \$20.00 per car results in \$2.00 tax

If acceptable to the Board, following public hearing and any discussion, take action to adopt the proposed Ordinance with an August 1, 2020 effective date."

Chairman Lyons opened the Public Hearing.

Mr. Suter read aloud the following email sent on Sunday, June 21st at 10:52 a.m.:

"Dear Rockbridge County Board of Supervisors,

I would like to comment on the proposed admissions tax, specifically as it would affect Hull's Angels, operators of Hull's Drive-In Theatre, a charitable 501c3 non-profit organization whose purpose is "To make affordable family entertainment available to all citizens of the Rockbridge area." and "To promote the preservation of the historic Hull's Drive-In Theatre in Rockbridge County, Virginia as an active drive-in theatre."

This proposed tax will directly, and negatively, impact the ability of Hull's Angels to achieve its purposes. I have heard it speculated that this tax will mostly affect people from out of the area. As far as Hull's Drive-In is concerned, this definitely will not be that case.

As one of the few remaining venues for evening entertainment left in Rockbridge, Hull's attracts a broad spectrum of clientele, but the majority are families of modest means. The average carload spends \$31.21 which includes two movies and snacks from the concession. While this is an incredible bargain, for many families this is a stretch and they are already forgoing the snacks. It is estimated that the proposed admissions tax and proposed increased food tax will add \$2.39 to the average family attending Hull's. This may not seem like much to you and me, but I can assure you that for many families in Rockbridge it is.

Hull's Angels takes seriously their mission to provide affordable family entertainment, and as such has held off increasing its ticket prices for the last 7 years. This is not because Hull's doesn't need more revenue. Prices for everything have gone up, including significant increases in Hull's biggest expense, the movie license fees paid to the studios. This is at the same time that streaming services are drastically

affecting the entire movie industry. Hull's Angels have only been able to keep the drive-in open because of the additional support of members and volunteers, but there are limits to those resources as well.

In 2000 when Hull's Angels reopened Hull's Drive-In there were only 10 operating drive-ins in Virginia. Now there are 6, and the business is getting more challenging by the year. Rockbridge county should recognize how fortunate they are to have this incredible resource in our county and be doing whatever they can to assist its continued viability.

Thank you for your consideration,

Eric Sheffield

Board Member Emeritus

Hull's Angels"

Mr. Suter then read aloud a question received via Zoom:

"Does the Admissions Tax apply to the State Park?"

Hearing no additional comments, Chairman Lyons closed the Public Hearing.

Ms. Huffman advised that the tax applies to a State facility but the locality cannot require the State to collect those funds. Therefore, they are exempt, but does not prevent them from collecting.

Chairman Lyons asked if the County currently supports the State Park financially.

Mr. Suter replied, no.

Chairman Lyons asked Mr. Suter to reach out to the Natural Bridge State Park Director Jim Jones to see if they would be willing to collect the tax on behalf of the County.

Supervisor Lewis noted that the Finance Committee had posed that question.

Supervisor Ayers asked Ms. Huffman to clarify that the State Park does not have to collect the tax for the County.

Ms. Huffman replied, that is correct.

Supervisor McDaniel asked Ms. Huffman to further detail the removal of the exemption for school-sponsored events.

Ms. Huffman explained that it was her understanding that the Finance Committee recommendation was to leave that out because some of the money collected through such events could be used for school's capital improvement programs. She noted that there were no objections to collect this tax during a recent Schools Executive Committee meeting.

Chairman Lyons concurred.

Supervisor Ayers asked if the Commissioner of the Revenue had discretion on what organization is to be taxed.

Ms. Huffman stated that it is within the Commissioner of the Revenue's responsibility to determine whether or not that tax applies to the situation that may exist.

Supervisor Ayers shared her concern that non-profit organizations are trying to support the County but not making any money in return. She added that this tax would put more work on them and make their prices rise. She then asked if there were any way to exempt non-profits from this tax.

Ms. Huffman responded that there is the ability to exempt proceeds by non-profits used strictly for charity; however, it was not requested at the time the draft ordinance was prepared.

Supervisor Day asked if the County had ever supported Hulls Drive In financially.

Mr. Suter replied, not in the past 8-years he has worked with the County.

Via Zoom, Mr. Bolster sent a chat to the Board stating he was unaware of any contributions to Hulls Drive In.

Mr. Suter added, maybe when they first got started but was that he was unsure.

Supervisor Ayers asked, if the Board passes this tax and find there are unintended consequences, is there a way to relieve those organizations by earmarking those funds and supporting them in a different way, similar to the public schools.

Ms. Huffman stated that, if you impose the tax and you do not exempt them, they have to collect the tax. She added that you would have to exempt those types of businesses to keep them from paying the tax. However, she stated that the Board could support 501-3-c organizations through the budget process, allocating a certain amount of money to them, with or without this tax.

Supervisor Lewis added that there are a lot of 501-3-c organizations throughout the County that this admissions tax could be obtained from its attendees.

Supervisor Ayers stated that, everything Hulls Drive In takes in is taxed whereas others revenues aren't taxed. She stated that she would like

to have the ability to address any unintentional consequences because having a drive in in this community is such a great thing.

Supervisor McDaniel noted that the tax is coming from attendees, not the business.

Supervisor Ayers stated that most of the attendees come from within the community whereas some come from outside the community.

Supervisor Lewis moved to adopt the ordinance, as presented.

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

Ayes: Lewis, McDaniel, Ayers, Day, 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, JUNE 22, 2020

ORDINANCE TO AMEND THE ROCKBRIDGE COUNTY CODE, CHAPTER 25 - TAXATION, TO ADD A NEW ARTICLE XIV – ADMISSIONS TAX, TO IMPOSE A 10% ADMISSIONS TAX ON ANY ADMISSION CHARGE FOR ATTENDANCE AT AN EVENT OR BUSINESS

BE IT ENACTED by the Rockbridge County Board of Supervisors that Chapter 25 of the Rockbridge County Code is hereby amended as follows:

ROCKBRIDGE COUNTY CODE

Chapter 25

TAXATION

Art. I. In General, §§25-1--25-20

Art. II. Personal Property Tax, §§25-21--25-35

Art. III. Real Property Tax, §§25-36--25-95

Div. 1. Generally, §§25-36--25-50

Div. 2. Special Assessment for Agricultural, Horticultural, Forest or Open Space Real Estate, §§25-51--25-65

Div. 3. Assessment of New Buildings, §§25-66--25-75

- Div. 4. Exemptions from Real Estate Taxes, §§25-76--25-95
- Art. IV. Motor Vehicle License Tax, §§25-96--25-120**
- Art. V. Sales Tax, §§25-121--25-130**
- Art. VI. Use Tax, §§25-131--25-140**
- Art. VII. Utility Tax, §§25-141--25-160**
- Art. VIII. Additional Tax on Telephone Services, §§25-161--25-175**
- Art. IX. Transient Occupancy Tax, §§25-176--25-190**
- Art. X. Tax on Certain Foods and Beverages, §§25-191--25-215**
- Art. XI. Bank Franchise Tax, §§25-216--25-225**
- Art. XII. Recordation Tax, §§25-226--25-228**
- Art. XIII. Short-Term Rental Registry, §§25-231--25-240**
- Art. XIV. Admissions Tax, §§25-241--25-250**

Secs. 25-232--25-240. Reserved.

ARTICLE XIV. ADMISSIONS TAX

Sec. 25-241. Imposed; amount.

A. Pursuant to the authority granted by § 58.1-3818 of the Code of Virginia (1950, as amended), there is hereby imposed a tax on admissions charged for attendance at an event in the amount of ten percent (10%) of the amount of charge for admission to any event occurring within Rockbridge County, exclusive of any governmental tax or fee added to the charge paid for admission.

B. The charge paid for admission shall include any payment made for season tickets, whether obtained by contributions or subscription; any cover charge or other charge paid for the use of seats or tables, reserved or otherwise; and any other form of payment required for admission to see or participate in an event as defined in this Article. When a person is admitted free and a service charge is paid, the service charge shall be considered as a charge paid for admission.

C. No such tax shall be charged on the admissions charged for the following classes of events:

- (1) Admissions charged to participants in order to participate in sporting events.

Sec. 25-242. Applicability.

For the purpose of this Article, an “event” subject to the tax on the charge paid for admission shall mean admission to any performance, exhibition, entertainment, participation, or other occurrence, affair or occasion, whether occurring sporadically or on a regular basis, and including establishments and places of business, for which an admission fee or cover charge is required to allow entry, attendance and/or participation. Examples of such events are, without limitation: amusement park, amusement ride, athletic or other competitions, athletic or other type of exhibition, athletic park, recreation park, water park, automobile races, horse shows or races, carnival, circus, zoo, concert, dance, dance halls, bars, music festival or other type of festival or performance, theater performances, whether live or by tape or film, movie showings, and/or other entertainments, happenings or gatherings at which admission is charged for attendance.

Sec. 25-243. Collection and remittance; records.

A. Each person, operator or business liable for the payment of the admissions tax imposed hereunder shall collect said tax on behalf of the County from the person paying for admission as provided in this article, and shall pay the same to the Treasurer of Rockbridge County, within ten (10) calendar days after each event, except for events that are held on a regular basis, for which remittance of the admissions tax imposed hereunder shall be made monthly and shall be paid to the Treasurer within ten (10) calendar days after the last day of the month in which such events occurred.

B. The Commissioner of the Revenue may require prospective collectors of the admissions tax to register for the collection of the tax imposed by this Article.

C. The taxes required to be collected by this Article shall be deemed to be held in trust by the person required to collect the taxes until such taxes are remitted to the County.

D. Every person collecting the admissions tax shall complete a return, upon such forms and setting forth such information as the Commissioner of the Revenue may prescribe and require. Such return shall include the following information: the amount of admission charged to each event; the total number of tickets sold or, if no tickets, then the total number of attendees; the total amount of admission charges collected, exclusive of governmental taxes and fees; and the amount of tax from the admission charge for which such person is liable. Such person shall sign and deliver the return to the Commissioner of the Revenue, with the remittance of such tax. All remittances received hereunder by the Commissioner of the Revenue shall promptly be delivered to the Treasurer.

E. The complete records shall be maintained by the person responsible for collecting and remitting the admissions tax for a period of six (6) years, and shall be made available for inspection by the Commissioner of the Revenue or the Sheriff of Rockbridge County during such time.

F. Whenever any person required to collect and pay to the County the tax imposed herein quits, goes out of business, or otherwise disposes of the business, the tax payable under this Article shall become immediately due and payable and such person shall immediately make a report and pay all admissions taxes due.

Sec. 25-244. Enforcement.

A. Anyone who fails or refuses to collect and pay the admissions tax imposed hereunder or who makes a false statement with intent to defraud in any report required herein, or violates any other provision of this Article, shall be guilty of a Class 1 misdemeanor, punishable by a fine not to exceed the maximum amount allowed by law or twelve (12) months in jail. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

B. Failure to collect or pay the admissions tax herein imposed shall cause the event operator to be personally liable for the same.

C. Interest at the rate of ten percent (10%) per annum upon the principal and penalties shall commence to accrue on any past-due amount on the first day following the day such tax payment is due.

D. A penalty of ten percent (10%) of the amount due for failure to pay the admissions tax when due shall also be assessed for the first month the taxes are past due, and five percent (5%) for each month thereafter, up to a maximum of 25 percent (25%) of the taxes collected but not remitted or ten dollars (\$10.00), whichever

is greater; provided, however, that the penalty shall in no case exceed the amount of the delinquent amount of tax, and in addition such amount shall accrue interest at the rate of ten percent (10%) per annum until paid. Either the Commissioner of the Revenue or the Treasurer of Rockbridge County shall have the right to waive interest and penalty upon a determination that the failure to pay this tax was due to excusable neglect.

E. If any person shall fail or refuse to collect the tax imposed by this Article and to make, within the time provided in this Article, any report of the remittance required by this Article, the Commissioner of the Revenue shall obtain facts and information on which to base an estimate of the tax due and shall assess against such person the tax and penalties provided for by this Article based on such facts and information. The Treasurer shall notify such person, by certified and first-class mail, of the total amount of tax, interest and penalties, and the total amount so assessed shall be payable within ten (10) days from the date of such notice.

F. Where any tax assessed pursuant to this Article is delinquent and unpaid for a period of thirty (30) days from the date the tax is due, the Treasurer shall add a thirty-dollar (\$30.00) administrative fee for taxes collected subsequent to thirty (30) days after notice of delinquent taxes but prior to the taking of any judgment, in addition to all penalties and interest owing thereon. In addition, such person shall pay reasonable attorney's or collection agency fees, not to exceed twenty percent (20%) of the delinquent tax bill. Attorney's fees and collection agency fees pursuant to this section shall be added only if such fees are incurred by the County upon filing pleadings for judgment for recovery of such delinquency.

G. No tax assessment or tax bill shall be deemed delinquent and subject to collection procedures, interest, penalties, and other fees prescribed herein during the pendency of any administrative appeal of such amount pursuant to state law so long as the appeal is filed within ninety (90) days of the date of the assessment, and for thirty (30) days after the date of the final determination of the appeal.

Secs. 25-246--25-250. Reserved.

This Ordinance shall be effective on and from the 1st day of August, 2020.

Adopted this 22nd day of June, 2020.

Consideration of Courthouse Elevator Maintenance Contract:

Mr. Bolster briefly reviewed the agenda item which included the following information: "At its regular May 11th meeting, the Board considered and approved staff's evaluation-team ranking for the Rockbridge County Courthouse Elevator Maintenance Services. To recap, the ranking was as follows:

RANKING	FIRM	AVG. SCORE

1	Otis	99.33
2	ThyssenKrupp	88.67
3	Kone	87.33
4	Oracle	83.00

The Board further authorized the County Administrator to enter into negotiations based on this final ranking. Subsequently, negotiations have resulted in a contract which staff feels is advantageous to the County. Service levels meet or exceed the current contract. Estimated savings as a result of competitive procurement are approximately \$366.00 annually. Per the original Request for Proposals, the contract specifies an initial 2-year term, with two, 2-year extension options. A draft service agreement is attached.

Receive the staff report, discuss as necessary, and if in agreement, authorize the County Administrator to execute a service agreement which is advantageous to the County and is approved as to form by the County Attorney."

Supervisor McDaniel moved to authorize the County Administrator to execute a service agreement which is advantageous to the County and is approved as to form by the County Attorney. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

Consideration of Courthouse HVAC Maintenance Contract:

Mr. Bolster briefly reviewed the agenda item which included the following information: "At its regular May 11th meeting, the Board considered and approved the staff team ranking for the Rockbridge County Courthouse HVAC Maintenance Services. To recap, the ranking was as follows:

RANKING	FIRM	AVG. SCORE
1	Riddleberger Brothers	97.67
2	Trane	96.00
3	Southern Air	93.33

The Board further authorized the County Administrator to enter into negotiations based on this final ranking. Subsequently, negotiations have resulted in a contract which staff feels is reasonable and advantageous to the County. Service levels meet or exceed the current contract. As a result of competitive procurement effort, no increase from the previous term contract is reflected in the initial term of agreement. Per the Request for Proposals, the contract specifies an initial 2-year term, with two, 2-year extension options available. A draft service agreement is attached.

Receive the staff report, discuss as necessary, and if in agreement, authorize the County Administrator to execute a service agreement which is advantageous to the County and is approved as to form by the County Attorney."

Supervisor McDaniel moved to authorize the County Administrator to execute a service agreement which is advantageous to the County and is approved as to form by the County Attorney. Supervisor Lewis provided the

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

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

Consideration of Approval Resolution to Extend Contract with A. Morton Thomas and Associates for Plan Review under Erosion and Sediment Control / Storm Water Management Programs:

Mr. Suter briefly reviewed the agenda item which included the following information: "As you may recall, the County maintains its own, state-mandated Erosion and Sediment Control / Storm Water Management program, administered under the Building Department. While our ESC/Storm Water Administrator Jonathan Griffin handles minor plan reviews and inspections, major plan reviews are contracted out to a 3rd party, external firm. In June 2016, after a competitive procurement process, the County retained A. Morton Thomas and Associates (AMT) for these services. In June 2018, the Board approved a Professional Services Contract Extension. This second, two-year term of the contract is set to expire on June 30th (extension 1).

The contract allows for a final, additional two-year extension, from July 1, 2020 to June 30, 2022 (extension 2). Staff has been very satisfied with AMT's performance during the past four years of the contract and recommends a two-year extension.

Receive a brief staff report and pose any questions you may have. If in agreement, adopt the attached resolution authorizing an additional two-year term with A. Morton Thomas and Associates."

Supervisor Lewis moved to adopt the resolution, as presented.

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

Ayes: Lewis, McDaniel, Ayers, Day, 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,
JUNE 22, 2020

**RESOLUTION TO AUTHORIZE AND APPROVE TWO YEAR EXTENSION OF A
PROFESSIONAL SERVICES CONTRACT WITH A. MORTON THOMAS AND
ASSOCIATES, INC., FOR REVIEW OF EROSION AND SEDIMENT CONTRAL
PLANS AND STORMWATER MANAGEMENT PLANS**

WHEREAS, on June 27, 2016, the Board adopted a Resolution to approve a Professional Services Contract, dated July 1, 2016, between the County of Rockbridge and A. Morton Thomas and Associates, Inc. (AMT), with the contract price being in accordance with the AMT fee schedule incorporated therein, for review of Erosion & Sediment Control and Stormwater Management plans; and,

WHEREAS, on June 11, 2018, the Board adopted a Resolution to authorize and approve a two-year extension of a Professional Services Contract with A. Morton Thomas and Associates, Inc., for review of Erosion & Sediment Control and Stormwater Management plans; and,

WHEREAS, on June 25, 2019, the Board adopted a Resolution to authorize and approve a revised fee schedule of a Professional Services Contract with A. Morton Thomas and Associates, Inc., for review of Erosion & Sediment Control and Stormwater Management plans; and,

WHEREAS, the current contract will expire on June 30, 2020; and,

WHEREAS, staff has recommended a two-year extension of the contract in accordance with its terms; and,

WHEREAS, an Extension Agreement has been presented for consideration by the Board.

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

1. That the Professional Services Contract Extension, dated July 1, 2020, between the County and AMT, to extend the contract for the two-year period of July 1, 2020 through June 30, 2022, with the contract price being in accordance with the AMT revised fee schedule approved by Resolution adopted by the Board on June 25, 2019, is hereby authorized and approved.

2. That the County Administrator is hereby authorized and approved to execute the Contract Extension, and to take such further actions, 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.

Adopted this 22nd day of June, 2020.

Revisit Consideration of a new Fire and Rescue Association and County Code Revisions:

Chief of Fire and Rescue Nathan Ramsey briefly reviewed the agenda item which included the following information: "At the May 26 meeting of the Board of Supervisors, the Board received a report from staff. The Fire Association met and requested that any action be delayed until they could meet with the RERG to discuss the proposed resolution and entertain potential ideas and edits that would make the RFRA fair for both parties. Staff recommended honoring the request and the Board approved the delay for 30 days in order for a meeting between the RCFA and RERG to be held.

The joint meeting was held on June 10, 2020 at the Fairfield Vol. Rescue Squad. I attended in person and Board Fire-Rescue Committee members

Leslie Ayers and Bob Day participated via Zoom. The RCFA expressed concerns regarding the proposed resolution and ultimately was not in support of the document as written. Discussion resulted in agreement by the two groups that they would work on a plan to merge independently. The RERG stated that they would be in favor of such merger. The RCFA voted to merge with the RERG. A motion was made for the RERG to do the same, but did not pass. The RERG stated they will discuss further at their regularly scheduled meeting later in the month.

The RERG subsequently met on Wednesday June 17, 2020 and voted in favor of working with the RCFA to create a joint group. The RCFA and RERG both agreed to continue meeting separately while the group is being formed and recommended that the Fire and Rescue Commission continue as normal until such group is created and functioning. At this point, the name and makeup of group is unknown; however they both agree that each would keep separate checking accounts moving forward. A timeframe to have this newly formed group developed is not set at this point. I and Mr. Suter have discussed with Mr. Day and Ms. Ayers and have recommended to accept the RCFA and RERG offer to independently work on a solution to create a joint group.

The second consideration for the Board is whether or not to move ahead with changes to Chapter 14 of County Code. In the attached, previously advertised draft, there are other changes unrelated to a decision on whether or not to replace RCFA, RERG and Fire and Rescue Commission. These included changing the title of "Director" to "Chief" to align with the actual practice that has been in place for at least 6 years and to provide the Chief with additional ability to suspend a member who

has been charged with a felony. Additionally, a draft section has been added to make violation of a County-declared burn ban a misdemeanor. Staff and the Fire-Rescue Committee recommend advertising the proposed ordinance with these changes, for public hearing at the Board's next regularly scheduled meeting on July 27th."

Supervisor Ayers noted that the new formation would not be a County association because the Chief of Fire and Rescue was going to be a voting member but now removed.

Chief Ramsey noted that the original draft ordinance included him as a voting member but had been removed based on conversations among the departments.

Mr. Suter noted that, as presented, the organization would be created by the Board of Supervisors even though the Chief is not a participating member.

Chairman Lyons questioned whether or not the County receives annual audits from the RERG and RCFA.

Chief Ramsey replied, not in the past but could ask for them.

Chairman Lyons suggested that their finances be looked at to ensure they are clean before combining the two organizations.

Supervisor Ayers asked for clarification that the County does not currently receive audits from the two organizations.

Chief Ramsey replied, he does not think they have in the past.

Supervisor McDaniel asked if each individual agency provides the County with its audit each year.

Chief Ramsey replied, yes.

Mr. Suter noted that there hadn't been a required audit of the RERG or RCFA but they may have done it themselves.

Supervisor Ayers asked if the County provides money to the two organizations.

Chief Ramsey replied, yes.

Supervisor Ayers asked why they would not be required to submit an audit if the County financially supports them.

Mr. Suter replied, it was not specifically requested by the County, only volunteer departments because the County funds those audits.

Supervisor McDaniel stated that, given the amount of funding the County provides to the two organizations annually, and given the fact that we have paid personnel now for calls, he agrees with the Chief not being a voting member. However, he does not agree with the County not being a part of the new association based on the Board providing funds to them and for providing paid personnel for calls.

Supervisor Lewis suggested asking the two organizations what exactly they want and give them a timeframe to respond.

Supervisor McDaniel suggested a September 30th deadline.

Supervisor Day suggested a 60-day timeline.

Supervisor Lewis suggested a deadline by the first September Board meeting.

Supervisor Day agreed.

Chairman Lyons asked if a caveat be added that the Chief be a part of the association even though he is not a voting member. He stated that the two organizations would need to bring a draft back to the Board by the end of August for consideration at the first September Board meeting.

There were no objections by the other Board members.

Chief Ramsey asked if the Board wanted to add a request for annual audits.

Chairman Lyons asked for it if they currently have one.

Mr. Suter shared that Mr. Bolster commented via Zoom that they may not have ever been requested to submit their audit because they have very few transactions each year.

Supervisor Day asked Mr. Bolster if he manages the funds the County provides to the two organizations.

Mr. Bolster commented via Zoom that he did not have visibility of their books and reiterated that they have very few transactions annually. He added that, given a small amount by the County, an audit could use up those funds.

Chief Ramsey stated that the money that is given to the organizations is used to conduct training each year. He added that the RERG uses its funds, added with grants, to purchase equipment for ems vehicles in the County.

In regard to the revisions to the County Code, Supervisor McDaniel asked the County Attorney to provide clarification and specific information to the Board prior to the public hearing on July 27th pertaining to how the County could tell an independent agency which members should step down from office as result of a crime or investigation of a crime.

The Board members agreed with no objection to a July 27th public hearing on the revisions to the County Code.

Revisit Barking Dogs Complaint in the Buffalo Magisterial District:

Ms. Huffman briefly reviewed the agenda item which included the following information: "The Board of Supervisors requested a briefing on options to address complaints from citizens about barking dogs. The County Land Development Regulations address commercial operations, but there are currently no limitations on personal dogs or ownership. Options are as follows:

(A) Regulation of Noise (some localities address animal noise, as opposed to just dog noise):

(1) Prohibit noise from loud, frequent or habitual barking, howling, yelping, etc.

(2) Select hours when barking is prohibited, for example:

(a) At any time; or

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the following day, or some variation.

(3) Areas applicable:

(a) Residential zoning district

(b) Other zoning district(s)

(c) County-wide

(4) Establish standard:

(a) Barking lasts for 20 minutes continuously or intermittent barking that lasts for a period of more than half an hour, or some variation in times; and,

(b) Objective standard: plainly audible from a distance of 50 feet or more from where the dog(s) is/are kept; or

(5) Exemption:

- (a) Due to harassment or injury to the dog
- (b) Due to trespass on the premises where the dog is located
- (c) County dog pound.

(d) Other.

(6) Enforcement:

- (a) Animal control officer or law enforcement officer
- (b) Issue summons to owner or custodian of any animal found to be in violation, requiring an appearance in the General District Court for the county.
- (c) Citizens not precluded from pursuing their own criminal proceeding by entering a complaint by a warrant against the responsible party or by instituting a civil proceeding for a private nuisance.

(7) Penalty:

- (a) 1st violation - Class 4 misdemeanor
- (b) 2nd or subsequent violation in 12-month period - Class 3 misdemeanor
- (c) 3rd or subsequent conviction within 1 year of any violation involving same dog - permanent removal from County by owner or seized

(B) Regulation of Number of Dogs:

(1) Limit to 3 dogs, or some other variation in number, over the age of 4 months (some localities use 6 months):

(a) on premises of dwelling unit or on unimproved lot, i.e. indoor or outdoor; or

(b) housed outdoors or in separate structure from dwelling on any property

(2) Limit housing of dogs:

(a) in dwelling; or

(b) outdoors or separate structure or pen; or

(c) both

to a distance of 200 feet, or some other distance variation, from:

(a) any other dwelling; or

(b) property line of owner; or

(c) both.

(3) Vary number of dogs permitted based on lot size or zoning district, i.e. no more than 2 dogs allowed for lot size of less than 20,000 square feet and limit of 6 dogs for lot size exceeding 1.5 acres, with possible variations in between

(4) Areas applicable for (1), (2), and/or (3) above:

(a) Residential zoning district; or

(b) Other zoning district(s); or

(c) Specified subdivisions and mobile home parks (not recommended unless covers all similarly sized, small lot subdivisions); or

(d) County-wide; or

(e) Some combination of the above.

(5) Establish standard:

(a) Barking lasts for 10 minutes continuously or intermittent barking that lasts for a period of more than half an hour, or some variation in time; and,

(b) Objective standard: plainly audible from a distance of 50 feet or more from where the dog(s) is/are kept

(6) Possible Exceptions:

(a) By temporary permit from Animal Control Officer due to exceptional circumstances for specified period of time

(b) Dogs kept on farms

(c) Dogs kept at veterinary hospitals

(d) Dogs kept at commercial establishments for which a special exception permit has been issued under the Land Development Regulations

(e) Dogs kept on any parcels of real property in excess of 10 acres, or some variation in acreage

(7) Enforcement:

(a) Animal control officer or law enforcement officer

(b) Issue summons to owner or custodian of any animal found to be in violation, requiring an appearance in the General District Court for the county.

(c) Citizens not precluded from pursuing their own criminal proceeding by entering a complaint by a warrant against the

responsible party or by instituting a civil proceeding for a private nuisance.

(8) Penalty:

(d) 1st violation - Class 4 misdemeanor

(e) 2nd or subsequent violation in 12-month period - Class 3 misdemeanor

(f) 3rd or subsequent conviction within 1 year of any violation involving same dog - permanent removal from County by owner or seized

(C) Zoning Regulation:

(1) Regulation of number of non-commercial ownership of dogs within specified zoning districts.

The options presented cover those found from other localities. Most incorporate regulation of barking dogs as a noise violation. A prior draft for Rockbridge County is attached for reference, but was never adopted. The County has no previous drafts for regulation of the number of dogs, or regulation through the County Land Development Regulations, which would require adoption of a Resolution to refer to the Planning Commission. Potential issues are similar to those with regulating party noise.

Following questions and any discussion, provide staff direction on next steps, if any."

Supervisor Ayers asked if someone with 8 dogs who wanted to operate a kennel would have to ask the Board for a special exception permit.

Ms. Huffman replied, yes, that kennels are not permissible in residential zones.

Supervisor Ayers asked about the "tanner rule" and if there is the ability to have unlimited amounts of hunting dogs in a residential zone. She asked that the Board look into this more when there is a shorter Agenda.

Ms. Huffman noted that the "tanner rule" is included in the draft ordinance that was provided to the Board for review.

Supervisor McDaniel stated that some neighbors resolve noise of barking dogs amongst each other and others are afraid this noise ordinance could lead to other noise ordinances.

Supervisor Ayers agreed that this ordinance could lead to others but still would like to have protection for residents. She, again, suggested further review at another meeting when the Agenda is not as long.

There was no objection by the other Board members.

Finance Committee Report on CARES Act Funding:

Mr. Suter reviewed the following information: "At its June 11 meeting, the Board received recommendations from the Finance Committee on potential uses of up to \$1,969,407 in CARES Act funding, which was received by the County on June 4. At the Board's direction, staff and the Finance Committee met again on June 16th to discuss use of the funds. We further reviewed additional guidance that is very slowly coming in, on allowable uses and limitations.

1) Goods, services and payroll directly associated with COVID19 response.

- To date, we have identified approximately \$25,000 in goods and services associated with the response. Staff has also developed a payroll tracking system to assist in identifying all eligible payroll costs, to include entities such as the Sheriff's office.

2) Public Facility Modifications

- Protective barriers such as windows installed at the Commissioner of Revenue and Treasurer's counters and hanging film barriers at higher traffic desks.

3) Business Support and Recovery

- The Finance Committee discussed establishing a fund pool to transfer to the EDA for distribution to businesses via a grant application process. It was discussed that perhaps the existing application criteria be amended somewhat to allow for additional fund distribution and an increase in the maximum grant award. The Finance Committee also recommends seeking ways in which the grants could include agricultural businesses.

4) K-12 Education

- The Finance Committee recommends distribution of a lump sum of funding to the RCPS for COVID related expenditures. A specific potential use would be electronic devices to enhance distance learning for students. The school and County's executive committee met last Thursday and the School Division is working to develop a list of projects and supplies with costs to share back with us.

5) Technology and Telework

- In an effort to ensure that as many staff as possible could more easily work remotely in the event of a resurgence this fall, staff is working to identify technology costs. This includes technology upgrades

in the Board meeting room, to allow for more productive remotely-attended public meetings.

6) Fire and Rescue

- We discussed ways in which we could assist volunteer fire and rescue agencies. Clearly, direct COVID-related items such as PPE are covered, but we are looking for additional ways to assist. We are also looking at potential to offset staffing costs related to COVID.

We are also working with the Regional Jail to identify COVID-related costs. So far we are looking at our portion of a cost share for:

- Emergency housing
- A COVID-ready transport van
- Upgraded laundry equipment and
- Duct cleaning and filtering.

We also discussed a mechanism to share CARES funding with the towns of Goshen and Glasgow. Using examples from other counties, we are crafting a draft agreement and project / cost submission form in an effort to collectively ensure that all costs are eligible under the grant. With the Board's permission, I will work with Goshen Mayor Tom McCraw and Glasgow Town Manager Eric Pollitt to facilitate.

Finally, it is important to note that we still do not have truly firm direction from the state or federal government. The guidance remains that, we can spend funds under a broad set of criteria, but if it is determined at a later date that an expenditure is ineligible, the Commonwealth will claw it back through withholding of standard revenue distribution. As reported on June 8th, we are still waiting on

additional guidance we are expecting to receive in late June from the federal Office of Management and Budget (OMB).

Given that the next regularly-scheduled Board meeting is not until July 27th, the request is to authorize staff to work with the Finance Committee to make decisions on CARES act funding in the above categories, with regular reports to the full Board."

Board Members concurred with the request.

Board Comments:

Chairman Lyons asked the other Board Members to remember to stop by the County Administrator's office and sign the resolution for Ronnie Harris so it could be delivered to him. He also advised that there would only be one meeting in July, and that in August, Work Sessions would begin to be held prior to regular Board Meetings.

Appointments:

TCO- Tim Welsh- Term Expires 7/7/2020:

Supervisor Lewis moved to reappoint Mr. Welsh. Supervisor McDaniel provided the second, and Mr. Welsh was reappointed by unanimous roll call vote by the Board.

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

Board of Building Code Appeals- Richard Siler- Term Expires

7/13/2020:

Mr. Suter advised the Mr. Siler was willing to be reappointed; however, would like to be replaced, if possible.

The Board agreed to find a replacement for Mr. Siler.

Social Services Board- Tony McFaddin- Term Expires 7/31/2020:

Supervisor Lewis moved to reappoint Mr. McFaddin. Supervisor Ayers provided the second, and Mr. Welsh was reappointed by unanimous roll call vote by the Board.

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

Adjourn:

On a motion by Supervisor Lewis, seconded by Supervisor McDaniel, the meeting was adjourned by unanimous roll call vote by the Board.

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