

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, JULY 27, 2020 AT 5:30 P.M.

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 and led in the Pledge of Allegiance.

Administrative Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members. All Board members were present.

Changes to the Agenda:

There were none.

Chairman Lyons read the following announcements: "While the room will be open to the public, due to the size of the meeting room and social distancing requirements, no more than 30 attendees will be allowed into the room at one time. Per the Governor of the Commonwealth of Virginia Executive Order 63, all persons over the age of ten, that do not have a precluding medical condition, are asked to wear a face covering.

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

1) To join the Rockbridge County Board of Supervisor's Zoom webinar

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

2) To join by Telephone, you may 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 Click which is also available on the County website."

Recognitions and Presentations:

A Resolution of Appreciation for Sam Crickenberger:

Supervisor Jay Lewis read aloud the following resolution:

RESOLUTION EXPRESSING THE APPRECIATION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO SAMUEL W. CRICKENBERGER, ROCKBRIDGE COUNTY DIRECTOR OF COMMUNITY DEVELOPMENT, ON THE OCCASION OF HIS RETIREMENT

WHEREAS, after twenty-seven years of service to Rockbridge County, Virginia, Samuel W. Crickenberger is retiring from his position as Rockbridge County Director of Community Development on July 1, 2020; and,

WHEREAS, Mr. Crickenberger grew up in the City of Charlottesville before attending the University of the South in Sewanee, Tennessee, where he earned a Bachelor of Arts in Psychology and then started his career in public service as a Case Manager and Team Leader at Southwestern Virginia Mental Health Institute; and,

WHEREAS, Mr. Crickenberger received his Master's Degree from Virginia Polytechnic Institute and State University in Landscape Architecture before accepting the position of Director of Planning for Lancaster County; and,

WHEREAS, Mr. Crickenberger's career in public service continued as the Wetlands Engineer for the Three Rivers Soil and Water Conservation District in Tappahannock, VA; and,

WHEREAS, Mr. Crickenberger was hired on October 18, 1993, as the Rockbridge County Director of Planning and Zoning, Zoning Administrator, and Subdivision Agent; and,

WHEREAS, Mr. Crickenberger was instrumental in updating the Rockbridge County Land Development Regulations, including major revisions in 2008. These revisions included growth management initiatives as well as major updates to the regulations for landscaping, lighting and telecommunications. Mr. Crickenberger maintained an up-to-date Comprehensive Plan for Rockbridge County; administered several redistricting plans following national census, and was instrumental in the establishment of the County's Geographic Information System Office, and the establishment of the Tourism Corridor Overlay Review Board; and,

WHEREAS, Mr. Crickenberger's responsibilities expanded to the Director of Community Development overseeing Economic Development in Rockbridge County in 2009, and in the faithful execution of his duties he has overseen the daily tasks of Planning and Zoning, Economic Development and the Geographic Information System Office; and,

WHEREAS, Mr. Crickenberger served as the Secretary of the Rockbridge County Planning Commission from November 1993 to December 2012; as Secretary/Treasurer for the Rockbridge County Economic Development Authority and the Rockbridge Regional Industrial Development Authority from August 2011 to May 2020; as the Zoning Administrator and Secretary of the Board of Zoning Appeals from June 1994 to his retirement; as the Rural Planning Caucus Executive Committee Chair from 2003 to 2012; and as a member of the Shenandoah Valley Partnership Board of Directors since 2009; and,

WHEREAS, Mr. Crickenberger has been instrumental in Economic Development and Planning projects throughout Rockbridge County including Kendal, updates at the Virginia Horse Center, Devils Backbone Brewing Company, Mohawk Industry expansions, creation of the Natural Bridge State Park, implementation of the Rockbridge Area Network Authority (RANA), the repurposing of three shuttered schools, obtaining Scenic River Designation on parts of the James and Maury Rivers, planned reconstruction of the Chessie Trail South River Bridge, Habitat for Humanity Greenhouse Village Project planning, phase one and phase two for which he received the Golden Hammer Award in recognition of his efforts, and the implementation of the Rockbridge Area Outdoor Partnership; and,

WHEREAS, Mr. Crickenberger has been central and impactful member of innumerable boards, committees, grants, and projects that have benefited the citizens of Rockbridge County and the Shenandoah Valley, and,

WHEREAS, in 2012, at the request of the Board, Mr. Crickenberger served as Acting County Administrator, providing leadership through organizational transition; and,

WHEREAS, over the course of his tenure with Rockbridge County, Mr. Crickenberger served under ninety-seven elected or appointed officials of the Rockbridge County Board of Supervisors, Planning Commission, Economic Development Authority and Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED: That the Board of Supervisors Rockbridge County, Virginia, does hereby express deep appreciation to Samuel W. Crickenberger for his twenty-seven years of steadfast service to the citizens of Rockbridge County, and offers sincere congratulations and best wishes for a happy, healthy and rewarding retirement.

BE IT FURTHER RESOLVED: That the Board of Supervisors presents this resolution of appreciation to Mr. Crickenberger to serve as a reminder that, although he is retiring, he will always be remembered for his dedication to both his position and his fellow public servants, as well as the vital contributions he has made to ensure the integrity and the economic vitality of Rockbridge County.

Adopted this 27th day of July, 2020.

Board Members presented this resolution to Mr. Crickenberger who was present with his spouse.

Mr. Crickenberger thanked the Board for his resolution and shared his appreciation to the staff he was fortunate to work with over the years.

Supervisor Lewis moved to adopt the resolution. 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

Citizens Comment:

Spencer McElroy representing Lime Kiln Theater spoke in regard to the recent adoption of an admissions tax. He advised that he was not aware of the public hearing at which time the Board approved a 10% increase in the admissions tax. He shared that he completely understood that the Board had a difficult time trying to balance the budget following the COVID19

Pandemic; however, these are unprecedented times for small businesses which rely on admission fees to get through the year. He advised that Lime Kiln is down 100% of admissions at this time and that he himself is taking a 95% personal loss on income this year to try to keep Lime Kiln afloat. He stated his concern that 501c3 businesses are taking a hit on the admissions tax during such difficult times when those businesses are the ones that bring in tourism revenues. Thus, he added, this will be a negative impact on tourism. Mr. McElroy advised that he would be meeting with other small businesses to collect thoughts on how to come up with helpful ways they can bring this back to the Board at a future meeting.

Mark Cline representing Dinosaur Kingdom II also spoke in regard to the implementation of an admissions tax. He too advised that he was not aware of the public hearing. Mr. Cline stated that his business has brought a lot of attention to the County as it was advertised on the Travel Channel, Discovery Channel, as well as the HBO and Smithsonian Channels. He added that he absolutely loves doing what he does as a business and for public events and that he uses his own money to do. However, with the increased tax, he will no longer be able to afford to do events for the community. He too suggested that the Board revisit this tax increase at a future meeting.

Matt Rutigliano representing the Natural Bridge Hotel and Caverns expressed his concerns about the new admissions tax. His biggest concern, he advised, was that the Natural Bridge State Park would not be collecting the admissions tax but that other small businesses would be required to. He also voiced his concern about the requirement that businesses enforce face covering regulations.

Lauren Summers representing Hulls Drive In added to the concerns of the new admissions tax by stating that the Drive In is supported by the community, not visitors to the community, and that they will have to absorb the increase this year as sales are already down by about 50% due to the pandemic. She added that the Drive In will be unable make ends meet this year and asked that this tax be delayed until after this year.

Karl Mogenson representing the Natural Bridge Zoo stated that the admissions tax increase is in no way reasonable for small businesses this year. He added that participants are down by about half this year compared to most.

County Administrator Spencer Suter read aloud an email sent by community member Paul Gordon sent at 9:00 a.m. on Friday, July 24, 2020.

"Dear Board of Supervisors Members,

I am writing this email to express myself regarding the two issues that are the subject of this email.

One: Dog Barking. You have been involved in a discussion regarding the problem of dogs barking particularly on Ross Road. I have been told that there is not a noise ordinance here in the county. If that is true, I implore you to adopt one and put a stop to the nuisance dog noise in our neighborhood.

Two: Windmills. The county should take a stand opposing the windmill project in neighboring Botetourt County. There is no evidence that shows that this project is a viable solution to energy problems. They will cause problems and cost excessive amounts of money without providing cost effective electricity.

Thank you for the opportunity to address you and I hope you will seriously consider tackling these issues.

Respectfully,

Paul Gordon"

Mark Cline read aloud an email from Eric Mogenson representing the Natural Bridge Safari Park. In the email, Mr. Mogenson asked the Board to postpone the increase in the admissions tax until other businesses could discuss. He adds that a 10% increase will have a detrimental effect on businesses during the pandemic. He adds that a smaller tax increase spread over multiple years would have been more reasonable.

Public Hearings at 6:00 P.M.:

Vacation of 10' Utility and Drainage Easement on Lot 22 in the Riverbend Subdivision:

Interim Director of Community Chris Slaydon briefly reviewed the agenda item which included the following information: "Donald and Martha Robey have requested the County consider vacating 10' utility and drainage easement along their eastern property line of Lot 22 in Riverbend Subdivision. The Riverbend subdivision is located on the southside of Old Buena Vista Road (Route 631) just east of Lexington and was approved on March 8, 1993. The subdivision plat included a 10' utility and drainage easement dedicated along each lot line. This easement was not used for utility purposes due to the amount of rock present.

Instead, Dominion ran a power line underground through the rear yard. Dominion, RANA, and the PSA have been contacted and none of these utility

providers have a concern with vacating this easement. On March 9, 2020, the Board approved taking the request to Public Hearing. The Public Hearing was originally scheduled for the March 23, 2020 Board Meeting, but was postponed due to the Covid-19 pandemic." Mr. Slaydon then reviewed the zoning map of the proposed location.

Chairman Lyons opened the public hearing at 6:04 p.m. Hearing no comment, the public hearing was closed at 6:05 p.m.

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

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

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

Ordinance to Vacate and Release Any Public Interest in the 10' Utility and Drainage Easement, Reserved Along the Eastern Lot Line of Lot 22 (TM# 76C-1-22) in Riverbend Subdivision, Plat Cabinet 2, Slide 31, Upon Petition by the Owners Donald L. Robey and Martha V. Robey, in the South River Magisterial District of Rockbridge County

WHEREAS, Petitioners Donald L. Robey and Martha V. Robey are the owners of Lot 22, containing 3.68 acres, as shown on 'Plat Showing RIVERBEND SUBDIVISION – LOTS 17 – 24', of record in the Clerk's Office of the Circuit Court of Rockbridge County in Plat Cabinet 2, Slide 31, said lot having been acquired by deed dated June 8, 2017, and recorded as Instrument #170001658, and being further identified upon the Rockbridge County Land Records as Tax Map #76C-1-22; and,

WHEREAS, a note to said subdivision plat provides that "A 10' STRIP IS RESERVED ALONG EACH LOT LINE FOR UTILITY PURPOSES AND DRAINAGE"; and,

WHEREAS, the Petitioners have requested vacation of the 10' utility and drainage easement along the eastern lot line of Lot 22; and,

WHEREAS, the subject 10' utility and drainage easement is unused, unimproved, not required for public use, and has not been formally dedicated to the public; and,

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

WHEREAS, notice has been given as required by §15.2-2204 of the Code of Virginia (1950, as amended), and the public hearing was held on July 27, 2020.

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

1. That the 10' utility and drainage easement, reserved along the eastern lot line of Lot 22 in Riverbend Subdivision, Plat Cabinet 2, Slide 31, owned by Donald L. Robey and Martha V. Robey, identified as Tax Parcel # 76C-1-22 on the Rockbridge County Land Records, and situate in the South River Magisterial District of Rockbridge County, be, and hereby is, vacated and released to the extent that any public or County interest may exist, pursuant to Section 15.2-2272 of the Code of Virginia (1950, as amended), subject to the following conditions:

a. This action shall not be deemed to include any portion of the 50' Utility Easement along the southern (rear) property line of Lot 22.

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

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

3. That this ordinance shall be effective on and from the date of its adoption, and an original or certified copy of this ordinance shall be recorded in the Clerk's Office of the Circuit Court of

Rockbridge County, Virginia, in accordance with §15.2-2272.2 of the Code of Virginia (1950, as amended).

Adopted this 27th day of July, 2020.

Vacation of a Portion of an Alley Vacation in the Natural Bridge Station Area (Block 63, Lots 21-26):

Mr. Slaydon briefly reviewed the agenda item which included the following information: "Natural Bridge Heating and Air Conditioning (Donnie Shanks) has requested the County consider vacating a portion of a "paper" alleyway that separates six lots that are owned Natural Bridge Heating and Air. The lots are located on the southside of Wert Faulkner Highway (Route 130) approximately 300' east of Virginia Manor Lane (Private Road) in the Natural Bridge Station area. The lots are adjoining the current location of his businesses, Natural Bridge Storage, 1798 Wert Faulkner Highway. No utilities are affected by this vacation. In order to vacate paper streets and/or alleys, the Board of Supervisors is required to hold a Public Hearing. On March 9, 2020, the Board approved taking the request to Public Hearing. The Public Hearing was originally scheduled for the March 23, 2020 Board Meeting, but was postponed due to the Covid-19 pandemic." Mr. Slaydon then reviewed the zoning map of the proposed location.

Chairman Lyons opened the public hearing at 6:08 p.m. Hearing no comment, the public hearing was closed at 6:08 p.m.

Supervisor Lewis moved to adopt the ordinance shown below. 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,
JULY 27, 2020

Ordinance Vacating and Closing an Unimproved And Unused Portion of a 20' Alley Lying Between Lots 21, 23, and 25 and Lots 22, 24, and 26, Block 63, (Tax Map #108A3-1-63-21 thru #108A3-1-63-26), as Shown on the Map of Glasgow, Owned By Natural Bridge Heating & Air Conditioning in the Natural Bridge Magisterial District

WHEREAS, Petitioner Natural Bridge Heating & Air Conditioning (Donald R. Shanks) is the owner of Lots 21 through 25, and Lots 22 through 26, in Block 63, Map of Glasgow, recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in Deed Book 58, pages 1 and 2, and to be designated on the Rockbridge County Land Records as Tax Map #108A3-1-63-21 thru #108A3-1-63-26; and,

WHEREAS, an unimproved and unused 20' alley lies between Lots 21-25 and Lots 22-26, measuring 20' in width and approximately 75' in length, in Block 63, being shown and created on the aforesaid Map of Glasgow; and,

WHEREAS, the Petitioner has requested that the Board of Supervisors of Rockbridge County, Virginia, vacate and close the portion of said 20' alley lying between the above-described lots; and,

Whereas, the Petitioner is the owner of multiple lots to the west of Lots 21 through 26, and the portion of the subject alley between those lots has been vacated previously by the Board pursuant to Ordinances adopted on February 26, 2007, and on September 12, 2011; and,

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

WHEREAS, notice has been given as required by §15.2-2204 of the Code of Virginia (1950, as amended), and the public hearing was held on July 27, 2020.

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

1. That a portion of an unimproved, unused 20' alley, measuring 20' in width and approximately 75' in length, extending between Lots 21-25 and Lots 22-26, Block 63, Map of Glasgow, being shown and created on the plat entitled 'Map of Glasgow' recorded in the aforesaid Clerk's Office in Deed Book 58, pages 1 and 2, located in the Natural Bridge Magisterial District of Rockbridge County, be, and hereby is, vacated and closed to the extent that any public or County interest may exist, pursuant to Section 15.2-2272 of the Code of Virginia (1950, as amended), subject to the following conditions:

a. That fee simple title to the subject portion of the 20' alley shall vest as provided by law, and shall be added and combined to the abutting properties, in compliance with the Rockbridge County Land Development Regulations, and other applicable laws and regulations; and,

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

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

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

Adopted this 27th day of July, 2020.

Hevener's Cars and Trucks (Hevener/Lemon)- Application for a Conditional Rezoning from General Residential (R-1) District to General Business (B-1) District:

Mr. Slaydon advised that Ms. Patricia Lemon was present via Zoom. He then briefly reviewed the agenda item which included the following information: "Richard and Denise Hevener and Wayne and Patricia Lemon have made an application to conditionally rezone a .20 acres parcel. The .20 parcel (TM# 77-13-1B2) located on the westside of Longhollow Road (Route 631) and is adjacent to the existing Hevener Cars and Trucks sales lot located at 785 Longhollow Road, Buena Vista Virginia 24416). The parcel is currently in the General Residential (R-1) Zoning District. Application to conditionally rezone the parcel to the General Business (B-1) District in order to continue to use this parcel for vehicle sales. The submitted proffer states "to utilize the subject property for sales and service of manufactured homes and automobiles and have on display no more than 25 automobiles for sale. On July 8, 2020, the Planning Commission held their Public Hearing. There were no comments during the Public Hearing. The Planning Commission has recommended approval of the conditional rezoning with acceptance of the proffered conditions." Mr. Slaydon then reviewed the zoning map of the proposed location and offered comment by Ms. Lemon.

Ms. Lemon advised that in 004 when originally requesting for the automobile sales, they only used the address and failed to pick the tax map of that particular piece. She shared that Mr. Crickenberger noticed this error just before he retired so they are hoping to clean it up.

Chairman Lyons opened the public hearing at 6:13 p.m. Hearing no comment, the public hearing was closed at 6:13 p.m.

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

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

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

Ordinance to Change the Zoning Classification from Residential General District (R-1) to General Business District (B-1), With Conditions, of a .2-Acre Parcel of Land (Tax Map No. 77-13-1B2) Owned by Richard and Denise Hevener and Wayne and Patricia Lemon, Located on the West side of Longhollow Road in the South River Magisterial District

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on July 8, 2020, and recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be approved; and,

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

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

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

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

1. That the zoning classification of a .2-acre parcel of real estate, owned by Richard and Denise Hevener and Wayne and Patricia Lemon, identified upon the Rockbridge County Land Records as Tax Map #77-13-1B2, located on the west side of Longhollow Road approximately .37 mile north of its intersection with Middle Road, adjoining and used in connection with Hevener's Cars & Trucks, in the South River Magisterial District of Rockbridge County, is hereby changed from Residential General District (R-1) to General Business District (B-1), with and subject to the conditions voluntarily proffered in writing by the property owners as set forth on Exhibit A attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owners, Richard and Denise Hevener and Wayne and Patricia Lemon.

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 27th day of July, 2020.

**Ordinance to Amend and Reenact Chapter 14- Fire, Rescue, EMS, and
Emergency Management of the Rockbridge County Code: [Part one, of two: See
below for additional discussion under part two]**

Chief of Fire, Rescue, and Emergency Management Nathan Ramsey briefly reviewed the agenda item which included the following information: "At the June 22nd meeting of the Board of Supervisors, the Board received a report from staff and approved a request to delay action on the creation of the

Rockbridge County Fire & Rescue Association. This was on the basis that the RERG and RCFA would, by August 31st 2020, present a proposed alternative to an Association created by the Board of Supervisors. Rather, this would be an independent merger of the RERG and the RCFA, for consideration of approval by the Board of Supervisors

Additionally, the Board approved to hold a public hearing and potentially move forward with unrelated changes to Chapter 14 of County Code. 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."

Supervisor McDaniel shared his concern about the added provision authorizing the Chief with additional ability to suspend a member who is under investigation for a criminal act. He asked why this would be added to the ordinance when in reality the County does not have the authority to enforce suspension of a member or members of volunteer agencies.

Supervisor Ayers asked Chief Ramsey if he believed the County could enforce this.

Chief Ramsey replied, yes, if it were in the Code and authorizes the County Administrator to be involved for approval. He added that there had been times when this exact scenario has come up and the County was asked to help.

Supervisor McDaniel asked the County Attorney for her opinion on this.

County Attorney Vickie Huffman advised that the only real legal means of enforcing this provision would be through defunding the department, reducing its funding from the County, or dissolving the department entirely should they not comply. She added that this is a means the County has whether they approve the provision or not.

Supervisor Lewis asked if the past departments who have asked for the County's assistance are the same departments asking for this language to be added to the ordinance.

Chief Ramsey replied, they are.

Supervisor McDaniel asked if it was just those departments or if it was every department.

Chief Ramsey replied, just those departments.

Supervisor Lewis shared his concern about not having the ability to enforce the provision.

Mr. Suter stated that the Board would have another chance to look into this at the time the RERG and RCFA come before the Board to request authorization of a joint association.

Chief Ramsey advised that he had been working closely with the president of the RERG and the president of the RCFA on this provision.

Supervisor McDaniel stated that he did not want it to seem as though he was in disagreement with the provision, but wanted to know why it would be added if there is no enforcement behind it. He suggested that the RERG and the RCFA bring this to the Board so that it is clear they are the ones asking for the provision and understand the consequences if they do not comply.

Chairman Lyons opened the public hearing at 6:25 p.m. Hearing no comment, the public hearing was closed at 6:25 p.m.

Chairman Lyons asked if the Board wanted to make a motion on the proposed ordinance. There was no motion.

Approval of the June 22, 2020 Minutes:

Supervisor Ayers moved to approve the minutes as presented.

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

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

Consideration of the School's Appropriation Resolution:

Fiscal Services Director Steven Bolster presented the School's Appropriation Resolution shown below and recommended approval as presented.

Supervisor Lewis moved to adopt the resolution. 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 COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, JULY 27, 2020 AT 5:30 P.M.

On motion by Supervisor Lewis, seconded by Supervisor McDaniel, the Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

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

Carryover Grants

IDEA Title VIB 611 2019

4-50-61100-1120-220-200-904	Teacher Salaries.....	\$176,333.00
4-50-61100-1120-240-200-904	Teacher Salaries.....	\$31,146.00
4-50-61100-1120-270-200-904	Teacher Salaries.....	\$34,252.00
4-50-61100-1120-350-200-904	Teacher Salaries.....	\$88,690.00
4-50-61100-2100-220-200-904	FICA.....	\$17,789.00
4-50-61100-2100-240-200-904	FICA.....	\$2,553.00
4-50-61100-2100-270-200-904	FICA.....	\$2,621.00
4-50-61100-2100-350-200-904	FICA.....	\$6,785.00
4-50-61100-2210-220-200-904	VRS.....	\$38,647.00
4-50-61100-2210-240-200-904	VRS.....	\$5,546.00
4-50-61100-2210-270-200-904	VRS.....	\$5,693.00
4-50-61100-2210-350-200-904	VRS.....	\$14,741.00
4-50-61100-2300-220-200-904	Medical.....	\$15,344.00
4-50-61100-2300-240-200-904	Medical.....	\$7,495.00
4-50-61100-2300-270-200-904	Medical.....	\$6,843.00
4-50-61100-2300-350-200-904	Medical.....	\$15,905.00
4-50-61100-2400-220-200-904	GLI.....	\$3,116.00
4-50-61100-2400-240-200-904	GLI.....	\$448.00
4-50-61100-2400-270-200-904	GLI.....	\$460.00
4-50-61100-2400-350-200-904	GLI.....	\$1,189.00
4-50-61100-2510-220-200-904	VLDP.....	\$104.00
4-50-61100-2510-240-200-904	VLDP.....	\$111.00
4-50-61100-2510-350-200-904	VLDP.....	\$114.00
4-50-61100-2750-220-200-904	RHIC.....	\$2,814.00
4-50-61100-2750-240-200-904	RHIC.....	\$404.00
4-50-61100-2750-270-200-904	RHIC.....	\$415.00
4-50-61100-2750-350-200-904	RHIC.....	\$1,074.00
4-50-62230-3160-901-200-904	Purchased Services.....	<u>\$36,072.00</u>
Total		\$516,704.00

IDEA Title VIB 611 2018

4-50-62230-3160-901-200-891	Purchased Services.....	<u>\$22,904.00</u>
Total		\$22,904.00

IDEA Title IV PT-B 619 2019

4-50-61310-1120-901-202-903	Teacher Salaries.....	\$5,827.00
4-50-61310-6030-901-202-903	Materials & Supplies.....	<u>\$1,478.00</u>
Total		\$7,305.00

Perkins CTE 2019

4-50-61100-5830-390-300-896	Other Charges.....	\$1,319.00
4-50-61100-6030-390-300-896	Materials & Supplies.....	<u>\$4,308.00</u>
Total		\$5,627.00

Title IV Pt A LEA 2019

4-50-61100-3160-390-100-898	Purchased Services.....	\$250.00
4-50-61100-6030-390-100-898	Materials & Supplies.....	<u>\$5,173.00</u>
Total		\$5,423.00

Title II 2019

4-50-61310-1120-901-102-899	Teacher Salaries.....	\$12,934.00
4-50-61310-2100-901-102-899	FICA.....	\$1,207.00
4-50-61310-6030-901-102-899	Materials & Supplies.....	<u>\$2,255.00</u>
Total		\$16,396.00

Title III 2019

4-50-61310-3160-901-102-900	Purchased Services.....	\$300.00
4-50-61310-5540-901-102-900	Travel.....	\$205.00
4-50-61310-6030-901-102-900	Materials & Supplies.....	<u>\$1,055.00</u>
Total		\$1,560.00

Title I 2019

4-50-61100-1120-220-100-902	Teacher Salaries.....	\$14,055.00
4-50-61100-1120-240-100-902	Teacher Salaries.....	\$14,803.00
4-50-61100-1120-260-100-902	Teacher Salaries.....	\$6,596.00
4-50-61100-1120-270-100-902	Teacher Salaries.....	\$13,384.00
4-50-61100-2100-220-100-902	FICA.....	\$1,077.00
4-50-61100-2100-240-100-902	FICA.....	\$1,069.00
4-50-61100-2100-260-100-902	FICA.....	\$488.00
4-50-61100-2100-270-100-902	FICA.....	\$1,012.00
4-50-61100-2210-220-100-902	VRS.....	\$2,645.00
4-50-61100-2210-240-100-902	VRS.....	\$2,786.00
4-50-61100-2210-260-100-902	VRS.....	\$1,241.00
4-50-61100-2210-270-100-902	VRS.....	\$2,519.00
4-50-61100-2300-220-100-902	Medical.....	\$857.00
4-50-61100-2300-240-100-902	Medical.....	\$835.00
4-50-61100-2300-260-100-902	Medical.....	\$852.00
4-50-61100-2300-270-100-902	Medical.....	\$1,600.00
4-50-61100-2400-220-100-902	GLI.....	\$221.00
4-50-61100-2400-240-100-902	GLI.....	\$233.00
4-50-61100-2400-260-100-902	GLI.....	\$104.00
4-50-61100-2400-270-100-902	GLI.....	\$211.00
4-50-61100-2750-220-100-902	HCC.....	\$203.00
4-50-61100-2750-240-100-902	HCC.....	\$214.00
4-50-61100-2750-260-100-902	HCC.....	\$95.00
4-50-61100-2750-270-100-902	HCC.....	193.00
4-50-61100-3160-220-100-902	Purchased Services.....	\$2,527.00
4-50-61100-3160-240-100-902	Purchased Services.....	\$2,414.00
4-50-61100-3160-260-100-902	Purchased Services.....	\$2,000.00
4-50-61100-3160-270-100-902	Purchased Services.....	\$2,414.00
4-50-61100-6030-220-100-902	Materials & Supplies.....	\$12,484.00
4-50-61100-6030-240-100-902	Materials & Supplies.....	\$4,742.00

4-50-61100-6030-260-100-902	Materials & Supplies.....	\$3,000.00
4-50-61100-6030-270-100-902	Materials & Supplies.....	<u>\$4,742.00</u>
Total		\$101,616.00

Title IV 21st Century NBES 2019

4-50-61100-1130-270-500-897	Grant Coordinator.....	\$17,500.00
4-50-61100-1120-270-500-897	Teacher Salaries.....	\$21,457.00
4-50-61100-2100-270-500-897	FICA.....	\$2,981.00
4-50-61100-2300-270-500-897	Hosp.....	\$5,558.00
4-50-61100-3160-270-500-897	Purchased Services.....	\$11,145.00
4-50-61100-4000-270-500-897	Internal Services.....	\$4,251.00
4-50-61100-5540-270-500-897	Travel/Mileage.....	\$2,592.00
4-50-61100-6030-270-500-897	Materials & Supplies.....	<u>\$17,905.00</u>
Total		\$83,389.00

Title IV 21st Century MRMS 2019

4-50-61100-1130-350-500-901	Grant Coordinator.....	\$21,000.00
4-50-61100-1120-350-500-901	Teacher Salaries.....	\$18,346.00
4-50-61100-2100-350-500-901	FICA.....	\$3,010.00
4-50-61100-3160-350-500-901	Purchased Services.....	\$3,477.00
4-50-61100-4000-350-500-901	Internal Services.....	\$2,400.00
4-50-61100-5510-350-500-901	Mileage.....	\$869.00
4-50-61100-6030-350-500-901	Materials & Supplies.....	<u>\$22,379.00</u>
Total		\$71,481.00

Total Carryover Grant Appropriations **\$832,405.00**

New Grants

AFELA 2020

4-50-61100-1620-312-700-907	P/T Teacher Salaries.....	\$56,250.00
4-50-61100-1621-312-700-907	P/T Teacher Salaries.....	\$2,000.00
4-50-61100-2100-312-700-907	FICA.....	\$4,455.00
4-50-61100-3160-312-700-907	Purchased Services.....	\$6,250.00
4-50-61100-5510-312-700-907	Mileage/Travel.....	\$1,245.00
4-50-61100-6030-312-700-907	Materials & Supplies.....	<u>\$10,800.00</u>
Total		\$81,000.00

Title IV Pt A LEA 2020

4-50-61100-3160-390-100-910	Purchased Services.....	\$250.00
4-50-1100-6030-390-100-910	Materials & Supplies.....	<u>\$40,062.00</u>
Total		\$40,312.00

Title II 2020

4-50-61310-1120-901-102-909	Teacher Salaries.....	\$61,500.00
4-50-61310-2100-901-102-909	FICA.....	\$4,700.00
4-50-61310-3160-901-102-909	Purchased Services.....	\$11,000.00
4-50-61310-5540-901-102-909	Travel.....	\$9,507.00
4-50-61310-6030-901-102-909	Materials & Supplies.....	<u>\$1,500.00</u>
Total		\$88,207.00

Perkins CTE 2020

4-50-61100-3160-390-300-911	Purchased Services.....	\$12,100.00
4-50-61100-5830-390-300-911	Other Charges.....	\$3,300.00
4-50-61100-6030-390-300-911	Materials & Supplies.....	<u>\$42,164.00</u>
Total		\$57,564.00

IDEA Title IV PT-B 619 2020

4-50-61310-1120-901-202-912	Teacher Salaries.....	\$15,000.00
4-50-61310-6030-901-202-912	Materials & Supplies.....	<u>\$1,004.00</u>
Total		\$16,004.00

Total New Grant Appropriations **\$283,087.00**

FY 2020 Carryover CIP Projects

School CIP Projects

4-50-66200-8100-350-001-000	MRMS Field Upgrade.....	\$62,130.00
4-50-66200-8100-390-001-000	RGHS Track Resurfacing...	\$203,741.00
4-50-66200-8100-390-002-000	VOTECH Roof Replacement..	<u>\$188,667.00</u>
Total		\$454,538.00

Total CIP Carryover Appropriations **\$454,538.00**

TOTAL FUND 50 APPROPRIATIONS **\$1,568,030.00**

Consideration of the County's Appropriation Resolution:

Mr. Bolster briefly reviewed his financial memorandum to the Board which included the following information:

"Section I - Commissioner of the Revenue

Activities for Month:

1. Continue effort on the 2020 Personal Property tax book.
2. Preparing to issue summons for business licenses not paid in March 2020.
3. Analyzing new construction assessments.
4. Continuing effort on audits of meals and lodging taxes and short-term rentals.
5. Working monthly DMV report.

Section II - Treasurer

Activities for Month:

1. Debt Set-off collections continue \$7,987.98 associated with 52 filings.
2. Delinquent Real Estate letters were sent on June 26, 2020.
3. Delinquent Real Estate parcels that were in the Special Programs of Land Use or Tax Relief that remained delinquent as of June 1, 2020 were reported to the Commissioner of the Revenue on June 25, 2020 for removal from the program.
4. Prepared fiscal year-end reports for Board of Supervisors (to be delivered in Aug), Commonwealth Department of Accounts (due date changed to July 31st) report completed and sent July 9th." He then reviewed the revenues verses expenditures chart and requested approval to transfer \$265,335.50 into the General Fund's Restricted Cash-Schools Carryover Account.

There was no opposition by the Board for staff to complete the transfer.

Supervisor Lewis asked if the Schools would be able to use the carry-over funds at their own discretion.

Mr. Bolster shared that there was a discussion at an Executive School Board/Board of Supervisors Committee meeting at which time there was a request for the School Board to use some of those carry-over funds to support operations in FY2021.

Mr. Suter added that the request from School Superintendent Dr. Thompson included support of the School Board be able to use the carry-over funds at their discretion to support operations.

Chairman Lyons added that it was agreed upon that the School Board could request their needs to the Board who could then decide if the carry-over funds be used or if it deemed best to use reserves.

Mr. Suter advised that the carry-over amount was the amount being requested by the School Board to be used for operations, if needed.

Mr. Bolster noted that he would transfer those funds. He then asked for authorization to transfer \$100,000 into the General Fund's Restricted Cash- General Reassessment account, and to transfer \$101,184 into the Capital Reserve Account.

There was no opposition by the Board.

Mr. Bolster then reviewed the County's Appropriation Resolution and recommended approval as presented.

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

Ayes: Day, Ayers, McDaniel, 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, JULY 27, 2020 AT 5:30 P.M.

On motion by Supervisor Day, seconded by Supervisor Ayers, 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, 2021**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-99010-6501 Transfer to School Fund (Ops).....	<u>\$454,538.00</u>
Total General Fund Appropriations	\$454,538.00

CONSTRUCTION PROJECT FUND (FY 2020 Carryover):

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, 2021**, from the UNAPPROPRIATED SURPLUS of the **CONSTRUCTION PROJECT FUND** and expended as follows:

4-372-94423-8001-001 Murat Collection Center.....	\$36,640.00
4-372-94423-8001-003 Sallings Mtn Collection Center...	\$56,440.00
4-372-94423-8001-006 Site B Collection Center.....	\$142,362.00
4-372-94432-8001-003 Public Bathrooms, Remodel.....	\$23,769.00
4-372-94435-8001-001 Crths Perf Contract Project.....	<u>\$18,792.00</u>
Total Construction Project Fund Appropriations	\$278,003.00

CAPITAL PURCHASES FUND (FY 2020 Carryover):

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, 2021**, from the UNAPPROPRIATED SURPLUS of the **CAPITAL PURCHASES FUND** and expended as follows:

4-376-95313-8001-001 Sheriff Vehicles, New.....	\$153,283.00
4-376-95432-8001-001 County Admin Bldg Telephone Sys..	\$23,000.00
4-376-95435-8001-001 Courthouse Telephone System.....	<u>\$35,000.00</u>
Total Capital Purchases Fund Appropriations	\$211,283.00

Total Appropriations	\$943,824.00
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Current County

11 - General Fund	\$1,054,810.39
94 - Central Stores	\$10,216.50
202 - COVID-19 Response Fund	\$14,090.74
372 - Construction Project Fund	\$11,317.50
376 - Capital Purchases Fund	<u>\$2,885.00</u>
Total County Bills	\$1,093,320.13

Current Fiscal Agent

80 - Regional Jail	\$146,612.32
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241 - E-Summons Fees	<u>\$1,323.36</u>
Total Fiscal Agent	\$147,935.68
TOTAL ALL BILLS	\$1,241,255.81

**Ordinance to Amend and Reenact Chapter 14- Fire, Rescue, EMS, and
Emergency Management of the Rockbridge County Code: [Part two]**

Mr. Suter asked for clarification on what the Board intended with the other added provisions to the draft ordinance, aside from the concerns about the provision pertaining to suspension of members.

Supervisor Ayers asked if the other provisions could be revisited.

Mr. Suter agreed that the other provisions could be revisited if brought back on the floor for discussion. He clarified that his previous mentioning of having the ability to revisit at another date was only for the provision pertaining to the suspension of members, not the entire ordinance with the other provisions. He added that the Board could go ahead and discuss the other provisions mentioned and just strike the provision for suspension of members until possible consideration on a future date.

Supervisor McDaniel moved to revisit the ordinance, bring it back on the floor for discussion. Supervisor Lewis provided the second, and the motion carried by unanimous vote by the Board.

Supervisor McDaniel suggested moving ahead with the other provisions, striking the provision pertaining to suspension of membership, and letting the RERG and RCFA bring that back to the Board with their recommendation. He also asked that, in the future when being presented with Code amendments, that markups be clearly shown on BoardDocs for comparison.

Supervisor Ayers asked whether or not the County has any authority to have a member removed in the event he/she embezzles from the agency.

Mr. Suter replied that the County has in the past worked with departments to resolve matters such as these.

Supervisor Ayers shared her concern that the County does not have more authority over this situation when the County provides public dollars to them quarterly.

Ms. Huffman reiterated that the County can only take away funding, reduce funding, or dissolve the department.

Supervisor Ayers shared that Chief Ramsey views this provision as a tool he could use so maybe it should be included.

Ms. Huffman stated that, in this case, the Board can impose the rule but will not have a lesser means of punishment to the department other than what has been mentioned.

Supervisor Ayers stated that it would seem that the Board would want this rule imposed so that the departments will know the consequences of not complying.

Ms. Huffman shared that the Board must be willing to follow-through with the consequences if adding the provision to the ordinance.

Supervisor McDaniel added that these departments are not County-run departments and therefore did not have to comply. However, there are consequences that will hurt the community if they do not comply with the County's requests.

Supervisor Lewis shared that the groups would be reconvening to look at the other questions the Board had at which time they could also look at this concern and bring back solutions to the full Board.

Mr. Suter noted that the groups would be returning to the Board with a proposal for a new association. Should the Board recognize the association, the members could then look at this concern at its first meeting. He stated that a situation regarding the need for the County to intervene does not happen often. He suggested striking the provision for suspension of members and moving forward with the other provisions.

Supervisor McDaniel moved to address the other provisions, adopting the ordinance after striking the provision pertaining to suspension of members, and asking that the new association bring it back before the Board. 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

The following ordinance was adopted:

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

**Ordinance to Amend and Reenact Chapter 14 – Fire, Rescue, EMS and
Emergency Management, of the Rockbridge County Code, to Change the Name of
Fire and EMS Department to Fire-Rescue Department; to Change Title of Director
to Chief; and to Add a Section Entitled Open Burning Ban**

BE IT ENACTED by the Rockbridge County Board of Supervisors that:

1. Chapter 14 – Fire, EMS and Emergency Management, of the Rockbridge County Code
is hereby amended and re-enacted as follows:

ROCKBRIDGE COUNTY CODE

FIRE, RESCUE, EMS AND EMERGENCY MANAGEMENT*

- Art. I. Fire-Rescue Department, §§14-1--14-9**
- Art. II. Fee for Services, §§14-10--14-29**
- Art. III. Drought Management, §§14-30--14-39**

ARTICLE I. FIRE-RESCUE DEPARTMENT*

Sec. 14-1. Establishment of department.

The County Department of Fire, Rescue, and Emergency Medical Services (“EMS”) is hereby established, pursuant to Virginia Code §27-6.1, and designated as the Fire-Rescue Department (the “Department”). The Department shall provide all fire, rescue and emergency medical services, and services related to civilian protection and evacuation in disasters and emergencies. The Department shall also be responsible for administration of local, State and federal emergency response, assistance, and recovery programs within the County.

Sec. 14-2. Composition of department.

The Department shall be composed of the officials and staff of the Department, including the following volunteer Fire-Rescue agencies, which are an integral part of the official safety program of the County:

- (1) Effinger Volunteer Fire Department;
- (2) Fairfield Volunteer Rescue Squad;
- (3) Glasgow Lifesaving and First Aid Crew;
- (4) Glasgow Volunteer Fire Department;
- (5) Goshen First Aid Crew;
- (6) Goshen Volunteer Fire Department;
- (7) Kerr’s Creek Volunteer Fire Department;
- (8) Natural Bridge Volunteer Fire Department;
- (9) Raphine Volunteer Fire Department;
- (10) Rockbridge Baths Volunteer Fire Department;
- (11) South River Volunteer Fire Department;
- (12) Walkers Creek Volunteer Fire Department.

The Lexington Fire Department, Buena Vista Volunteer Fire Department and Buena Vista Volunteer Rescue Squad are also integral parts of the County’s official safety program, but are not administered or regulated under this Chapter. However, Fire-Rescue operations of all regional entities are intended to be

coordinated through regional protocols, in the interest of providing the safest, most effective and most efficient fire, rescue, and emergency medical services possible.

(South River District Added 3-06-03 (formerly Sec. 1); Sec. 2 Amended by Ord. of 9-23-13 (formerly Section 1))

Cross reference(s)--Similar provisions, §18-1.

State law reference(s)--Code of Virginia, §9.1-400--408 and §27-23.6.

Sec. 14-3. Responsibilities of department.

A. The Department shall be responsible for regulating and managing the provision of pre-hospital emergency patient care and transportation.

B. The Department shall be responsible for regulating and managing the provision of fire prevention, protection, and suppression services, and for provision of services related to hazardous materials and similar hazards which pose a threat to life, property and the environment.

C. The Department shall also be responsible for any additional related services which are necessary for the provision of fire, rescue, and emergency medical services.

D. The Department shall be responsible for local disaster mitigation, preparedness, response and recovery. The Chief and coordinator, and any deputies of emergency management, shall be designated by the Board of Supervisors, in accordance with the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, Virginia Code §§44- 146.13, *et seq.*

Sec. 14-4. Fire-Rescue Chief services.

A. The Fire-Rescue Chief shall be appointed by and report to the County Administrator, shall be the Chief of the Department, and shall provide general management of the Department.

B. The Chief may delegate any and all operational authority to other officials and staff of the Department. References to the Chief in this Chapter shall include designees.

C. The Chief shall establish and enforce departmental regulations that are required for the administration and operation of the Department, for purposes of providing the safest, most effective and most efficient fire, rescue, and emergency medical services possible. Such regulations shall be consistent with this Chapter, but may establish additional and more stringent requirements applicable to the Department. Development will be coordinated with the Presidents of the County's Volunteer Firefighters' Association and the Rockbridge Emergency Rescue Group ("REREG"). In no event shall any County or departmental regulations or directives be interpreted to waive requirements of federal, State and local laws and regulations, including those related to licensing. Regulations shall include, but may not be limited to:

- (1) Standard operating guidelines for the system's delivery of fire, rescue, emergency medical, and emergency management services;
- (2) System performance standards, such as minimum staffing and response goals;
- (3) A command structure which complies with federal and State incident management standards;
- (4) Minimum training, licensure, and reporting requirements for the welfare of response personnel and the delivery of high quality fire, rescue, emergency medical and emergency management services;

- (5) Minimum personnel standards applied to all members shall include all standards promulgated by the Fire-Rescue Chief to maintain compliance with existing law or policy. At minimum, these shall include the standards promulgated by the Virginia Office of Emergency Medical Services as set forth in §12VAC5-31-910 of the Virginia Administrative Code. However, an existing member or potential member, who has been convicted of an offense which permanently bars certification by the Virginia Office of EMS, may be considered for participation under the following conditions:
 - a. A minimum of 10 years must have passed since the date of conviction;
 - b. In the case of a felony, the applicant's rights must have been restored by the Commonwealth of Virginia;
 - c. The applicant demonstrates clear and successful efforts to reform and productively contribute to society and their community.

Such language shall be included in policy promulgated by the Fire-Rescue Chief and shall not be construed to supersede State or Federal law, policy or regulation.

- (6) Minimum standards regarding apparatus and equipment;
- (7) Vehicle operations policy;
- (8) Drug and alcohol policy;
- (9) A process for setting and maintaining response districts and apparatus response policy.

Individual volunteer Fire-Rescue agencies may promulgate internal policies affecting their agency. In the event that agency and County policies conflict, the more stringent of the two shall apply.

D. The Chief shall recommend hiring, appointing and termination of compensated officers and staff of the Department, including the deputies and assistants, in accordance with the County's Personnel Policy Manual. The Chief shall provide for appropriate investigation of staff and volunteer applicants and incumbents, including review of criminal and driving records. Deputies and assistants may perform any of the duties of the Chief, when authorized by the Chief. At the request of individual volunteer agencies, the Chief may assist with the termination of members. Prior to any termination, volunteers will be afforded due process, to include a review by a panel consisting of representatives from their volunteer agency.

E. The Chief is responsible for maintenance and implementation of the County's Emergency Operations Plan.

F. The Chief, on behalf of the Board of Supervisors, shall have authority to enter into and take all actions necessary to implement and carry out the terms of agreements for mutual aid, disaster preparedness, and provision of services related to hazardous materials, rescue, fire suppression, investigation, medical services or other emergency response services deemed necessary in the judgment of the Chief for emergency response in events exceeding the capabilities of the County. The Chief shall have the authority to enter into contracts on behalf of the County and to expend funds after a declared disaster or emergency declaration to provide for the public safety during such events, in accordance with applicable laws and regulations. The Chief shall have the authority to take all actions necessary to obtain funding and assistance from other localities and from State or federal agencies for those purposes.

G. The Chief shall, in cooperation with the presidents of the County's Volunteer Firefighters' Association and the RERG, develop strategies for the recruitment and retention of the volunteer base within the Department.

Sec. 14-5. Criminal and driving record checks.

A. Review of the criminal records of applicants for employment and volunteer status in the Department shall be conducted in the interest of public welfare and safety, and review of such records of incumbents may be conducted, to determine if the past criminal conduct of any person with a criminal record would be compatible with the nature of the employment or service, in accordance with applicable laws and policies.

B. Review of motor vehicle driving records of incumbents and of applicants for employment or volunteer status shall be conducted in accordance with departmental regulations, to determine if the record is compatible with employment or service.

Sec. 14-6. Compliance with regulations and policies; penalties.

A. Compliance with all applicable federal, State, and local regulations and directives of the Chief, by the officials, staff, volunteers and agencies of the Department is a requirement for participation in all departmental functions.

B. For violation of regulations and policies promulgated by the Chief or the medical Chief, or for the purpose of protecting the public safety and providing for proper administration of the Department and effective provision of services, the Chief shall have the authority to remove, suspend, or revoke the privileges of any individual to operate as an EMS or fire service provider or officer in the County.

C. The Fire-Rescue Department will develop and disseminate a standard operating procedure (SOP) clearly defining the procedure for revocation of such privileges. The standard shall include a grievance procedure.

Sec. 14-7. Volunteer Fire-Rescue agencies.

A. The Rockbridge County Board of Supervisors recognizes the longstanding history and the tremendous value and contribution that volunteer Fire-Rescue agencies have made and continue to make in the community. Volunteer Fire-Rescue agencies may be formed, named and dissolved and shall operate in compliance with applicable statutes, provisions of this Chapter, and all applicable regulations, including those issued by the Chief. Formation, naming and dissolution shall be effective only if approved by the Board of Supervisors.

B. Volunteer Fire-Rescue agencies may adopt bylaws to govern the internal affairs of their organizations. In the event that agency bylaws conflict with County policies, the more stringent of the two shall apply.

C. Agencies may, in accordance with their bylaws and compliance with State Code, dissolve. However, prior to such dissolution, agencies shall provide no less than a thirty-day notice to the Rockbridge County Department of Fire-Rescue.

State law reference(s)--Code of Virginia, §27.1-8.1; §32.1-111.14.

Sec. 14-8. Participation by certain minors in volunteer fire agency activities.

A. Subject to any regulations published by the Rockbridge County Fire-Rescue Department and

pursuant to the authority of Virginia Code §40.1-79.1, the County of Rockbridge hereby authorizes any person who is sixteen (16) years of age or older, who is a member of a volunteer fire agency within the County with parental or legal guardian approval, in writing: (i) to seek certification under National Fire Protection 1001, level one, firefighter standards, as administered by the Virginia Department of Fire Programs; and (ii) to work with or participate fully in all activities of such volunteer fire agency, provided such person has attained certification under the National Fire Protection Association 1001, level one, firefighter standards, as administered by the Virginia Department of Fire Programs. The certification record and parent or guardian written consent shall be kept on file in the office of the volunteer fire department for each participant who is enrolled pursuant to this section. Any such fire fighting activity shall comply with regulations set forth in 16VAC15-30-190 "Fire fighting" of the Virginia Administrative Code.

B. Any trainer or instructor of such persons referenced in Subsection (A) of this Section and any member of a paid or volunteer fire company who supervises any such persons shall be exempt from the provisions of Virginia Code §40.1-103 when engaged in activities of a paid or volunteer fire company, provided that the provisions of Virginia Code §40.1-100 have not been violated, and provided that the volunteer fire agency or the Board of Supervisors has purchased insurance which provides coverage for injuries to, or the death of, such persons in their performance of activities under this Section. (Sec. 8 Added by Ord. of 8-23-04 (formerly Sec. 2); Sec. 8 Amended by Ord. of 9-23-13 (formerly Sec. 2))

State law reference(s)--Code of Virginia, §40.1-79.1.

Sec. 14-9. Participation by certain minors in volunteer EMS activities.

Subject to any regulations published by the Rockbridge County Fire-Rescue Department pursuant to authority and in accordance with §12VAC5-31-1200 and §12VAC5-31-900 of the Virginia Administrative Code:

- (1) EMS personnel shall be a minimum of sixteen (16) years of age.
- (2) EMS personnel serving in a required staffing position on an EMS vehicle shall be at a minimum of eighteen (18) years of age.
- (3) EMS agencies may allow assistants or observers in addition to the required personnel. An assistant or observer must be at a minimum of sixteen (16) years of age.
- (4) An EMS agency may have associated personnel who are less than sixteen (16) years of age. This person is not allowed to participate in any EMS response, training program or any other activity that may involve exposure to communicable disease, hazardous chemical or other risk of serious injury.

(Secs. 1-9 Added by Ord. of 9-23-13, to be effective 01-31-14)

State law reference(s)--Code of Virginia, §§32.1-12 and 32.1-111.4.

ARTICLE II. FEE FOR SERVICES

Sec. 14-10. Definitions.

As used in this Chapter, the following words and phrases shall have the meanings as set forth in this Section, unless the context clearly indicates a different meaning:

Ambulance shall mean any publicly or privately owned vehicle that is specially designed, constructed or modified and equipped for, and is intended to be used for and is maintained or operated to provide,

immediate medical care to or transport of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

Emergency shall mean an unforeseen condition or circumstance in which there is a need for immediate medical care in order to prevent loss of life or aggravation of illness or injury.

Emergency medical services vehicle shall mean an ambulance, rescue squad vehicle, fire truck or other government-owned vehicle which may be used for or is maintained or operated to provide immediate medical care to, or transport of, persons who are sick, injured, wounded or otherwise incapacitated or helpless.

Patient shall mean an individual who is sick, injured, wounded or otherwise incapacitated or helpless.

Permit shall mean a permit issued by the County Administrator or his/her designee, authorizing the operation of an ambulance.

Person shall mean an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind.

Sec. 14-11. Charges for ambulance services.

The Board of Supervisors may establish by Resolution, as needed from time to time, upon recommendation of the Fire and Rescue Commission and/or the County Administrator, reasonable fees for the provision of emergency medical services by all emergency medical service personnel, whether volunteers or paid public employees, and by all private ambulances operating under a permit issued pursuant to this Article.

Sec. 14-12. Permit required; exceptions.

A. No person shall operate or cause to be operated a private ambulance or emergency medical services vehicle from within the County to any other location within or outside the County, unless such person possesses a permit; provided, however, that a separate permit shall not be required for an individual operating an ambulance or emergency services vehicle for, or on behalf of, an entity or organization which has been issued a permit under this Article.

B. The County Administrator, or his/her designee, upon recommendation from the Fire and Rescue Commission, is authorized to determine and prescribe the areas of service within which a permit holder may operate within the County so as to assure adequate coverage throughout the geographical area of the County. Further, the number of permits for ambulances or emergency medical service vehicles in the County may be limited to achieve the objectives of this Article.

C. No permit shall be required for operation of a private ambulance or emergency medical services vehicle which is:

- (1) Engaged in the transportation of a person from a point beyond the limits of the County to a location within the County; or
- (2) Engaged in the transportation of a person through the County.

D. No permit shall be required for operation of a private ambulance or emergency medical services vehicle when used to render assistance at the request of the County, in the case of a major catastrophe or

emergency with which the vehicles which have received a permit to operate in the County are insufficient or unable to cope.

E. The provisions of this Article shall not apply to any ambulance or emergency medical services vehicle owned and operated by the County of Rockbridge, without its consent.

Sec. 14-13. Volunteer rescue squads and governmental agencies.

Volunteer rescue squads and volunteer fire departments, and the members thereof who are acting in such capacity, and agencies of the County and its employees who are acting in any capacity of emergency services, shall be subject to the provisions of this Chapter; provided, however, that the rescue squads set forth in Section 14-2 of this Chapter and the Effinger and Kerr's Creek Fire Departments shall be deemed to hold a permit under this Article, so long as such squad or department maintains a current permit from the Commonwealth for operation of an ambulance or emergency medical services vehicle, and so long as said rescue squads and fire departments otherwise comply with the provisions of this Article, including submission to the County of the documentation set forth in Section 14-15 within ninety (90) days of the adoption hereof.

Sec. 14-14. Permit--Application.

Any person who desires a permit shall file a sworn application with the County Administrator, or his/her designee, on a form prepared and provided for that purpose. The application shall include evidence of compliance with the terms and provisions of this Chapter and such other information as the County Administrator, or his/her designee, shall require.

Sec. 14-15. Same--Requirements.

No person shall be issued a permit unless he:

- (1) Furnishes proof that he possesses a valid permit issued by the Commonwealth to operate an ambulance or emergency medical service vehicle;
- (2) Files a schedule of rates to be charged for services rendered under the permit which shall not be less than the charges authorized by Section 14-1;
- (3) Agrees in writing to comply with the terms and conditions of this Chapter, other provisions of this Code, any reasonable rules and regulations developed by the County Administrator or his/her designee for the implementation of this Article, the County of Rockbridge Billing for Services Policies and Procedures adopted by the Board of Supervisors, and applicable State and federal laws and regulations;
- (4) Agrees in writing to provide mutual aid assistance, if available, in any emergency situation upon the request of the County;
- (5) Provides an appropriate certificate of insurance, or certificate of self-insurance where appropriate, indicating the following minimum coverages: motor vehicular liability insurance of One Hundred Thousand Dollars (\$100,000.00) per occurrence and Three Hundred Thousand Dollars (\$300,000.00) annual aggregate and general liability insurance of One Hundred Thousand Dollars (\$100,000.00) per occurrence and Three Hundred Thousand Dollars (\$300,000.00) annual aggregate. The certificate of insurance shall contain a clause obligating the company issuing the same to give fifteen (15) days' notice in writing to the County Administrator before the cancellation of such policies. The County shall be named as an

additional insured on such policies of insurance as its interests may appear.

Sec. 14-16. Same--Issuance or denial.

A. The County Administrator, or his/her designee, upon consideration of the requirements set forth in this Chapter, shall grant or deny the request for permit. The decision of the County Administrator, or his designee, shall be in writing and he/she shall mail a copy thereof to the applicant at the address listed on his/her application.

B. Any person who is denied a permit by the County Administrator, or his/her designee, may appeal the same to the Board of Supervisors, by written notice filed with the Clerk of the Board within thirty (30) calendar days of the date of the mailing of the County Administrator's/designee's decision. The Board of Supervisors, after such notice, investigation and hearing as it may deem appropriate, may affirm, reverse or modify the prior decision, or may remand the matter for further investigation or action.

Sec. 14-17. Duty to give notice of change of circumstances.

The applicant for a permit or, if a permit has been granted, the holder of a permit shall immediately give notice in writing to the County Administrator of any change in the information set forth in the application for permit, including, without limitation, any change in rates, insurance coverage, or the ownership of fifty percent (50%) or more of the common stock of the corporation which has applied for or has received the permit.

Sec. 14-18. Current holders of certificates of public convenience and necessity.

Any person who, on the effective date of this Ordinance, holds a certificate of public convenience and necessity issued by the County or the Commonwealth licensing the operation of an ambulance or vehicle for the transportation of handicapped persons, and continues to operate as such, and that submits to the County Administrator satisfactory evidence of such continuing operation, shall be granted a franchise or permit to serve at least that part of the County in which the agency has continuously operated if all other requirements of this Article are met. Any such person may, for a period of sixty (60) calendar days after the effective date of this Article, continue to operate same within the County, and thereafter, such person shall be required to have a permit issued by the County Administrator, or his/her designee.

Sec. 14-19. Suspension or revocation of permit.

A. Any permit issued under this Chapter may be suspended or revoked by the County Administrator, or his/her designee, after a hearing, for failure to comply with the provisions of Title 32.2, Chapter 4, Article 2.1 of the Code of Virginia or of this Chapter or any other provision of local, State or federal law, regulation, policy or procedure. Such hearing shall be held after ten (10) calendar days' prior written notice, mailed to the permit holder at the address listed on his application or any subsequent written notification of change of address. After the hearing, the County Administrator, or his/her designee, shall render his decision in writing and shall mail a copy thereof to the permit holder at the address described above. The decision of the County Administrator, or his/her designee, shall be effective as of the date established in his decision and shall not be stayed pending the outcome of any appeal.

B. Any permit holder affected by an adverse decision of the County Administrator may appeal the same to the Board of Supervisors by written notice filed with the Clerk of the Board within thirty (30) calendar days of mailing of the County Administrator's final decision. Upon proper filing of such appeal, after such

notice and hearing as the Board of Supervisors may deem appropriate, the Board may affirm, reverse, or modify the County Administrator's decision, or may remand the matter for further investigation or action.

Sec. 14-20. Sale, assignment, etc. prohibited.

No permit granted under this Article may be sold, assigned, or transferred, nor shall it in any way vest in any person, other than the applicant to whom the permit is granted, any rights or privileges under the permit. For purposes of this Section, the transfer of ownership of fifty percent (50%) or more of the common stock of a corporation which has been granted a permit shall be deemed to be a transfer of the permit.

Sec. 14-21. Authorization to provide nonemergency services; response to emergencies permitted under limited conditions.

A. The holder of a permit shall be authorized to respond to requests for non-emergency service. Response to emergencies shall not be permitted unless:

- (1) A request is made by the patient or by someone on behalf of the patient;
- (2) A request is made by an authorized representative of the County or the regional emergency dispatch/E-911 center; or,
- (3) A condition is coincidentally observed by the owner or operator of the ambulance which requires immediate attention.

B. A permit holder who provides ambulance or emergency medical service under emergency conditions shall give immediate notice of such response at the time of response to the County's emergency dispatch/E-911 center.

Sec. 14-22. Operations within the County.

A. As a condition of the permit, the permit holder agrees to provide service throughout the geographic area as specified by the permits, which may include the City of Lexington, the City of Buena Vista, the Town of Glasgow and/or the Town of Goshen.

B. The provisions of this Chapter shall be effective in the Towns of Glasgow and Goshen unless or until either town elects to exercise any of the powers set forth in Paragraphs A and B of §32.1-111.14 of the Code of Virginia.

C. No permit holder shall refuse to transport any person in the County to any hospital emergency room, approved by the County Administrator or his/her designee, in the County or an adjoining city without just cause. For purposes of this Section, the term "just cause" shall include unavailability of qualified personnel or vehicles.

Sec. 14-23. Service logs.

Every permit holder shall maintain accurate service logs of operations undertaken in accordance with its permit. Such service logs shall include, with regard to each request for ambulance service, the time and date the request was received, the location of the patient on whose behalf the request was made, the time the ambulance arrived at the location, the destination and time of arrival at the destination. If the request was denied, the log shall indicate the reason for such denial. In addition, the service log shall include any other information required by the County Administrator, or his/her designee. Such logs shall be maintained for a period of three

(3) years and made available for inspection by authorized representatives of the County upon reasonable request.

Sec. 14-24. Powers and responsibilities of the County Administrator.

The County Administrator, or his/her designee, is hereby authorized to exercise the following powers and responsibilities in order to effectively achieve the purposes of this Article, as follows:

- (1) To establish reasonable rules and procedures for imposing and collecting authorized fees for the provision of emergency medical services;
- (2) To write off as uncollectible any accounts which are reasonably deemed to be uncollectible;
- (3) To exercise such other reasonable powers and authority as shall be necessary for the proper administration of this Article; and
- (4) To seek recommendation from the Regional Fire and Rescue Commission, when appropriate, in the administration of this Article.

(Art. II, Secs. 10-24 Added by Ord. of 2-28-11)

Secs. 14-25--14-29. Reserved.

ARTICLE III. DROUGHT MANAGEMENT

Sec. 14-30. Drought Management.

The purpose of this Article is to provide for the voluntary and mandatory restriction of use of the Rockbridge County public water supply system during declared water shortages or water emergencies.

Sec. 14-31. Scope.

This Article shall apply to all Rockbridge County residents and businesses which are served by the public water system.

Sec. 14-32. Drought Response Plan.

The Board of Supervisors shall adopt by Resolution the Upper James River Basin Drought Preparedness and Response Plan.

Sec. 14-33. Drought Indicators.

The indicators used to indicate drought severity shall be defined in the Upper James River Basin Drought Preparedness and Response Plan.

Sec. 14-34. Drought Stages.

The drought stages shall be Drought Watch, Drought Warning, and Drought Emergency, as determined by the Board, pursuant to the Upper James River Basin Drought Preparedness and Response Plan and State Water Control Board Regulation 9 VAC 25-120.

Sec. 14-35. Declaration.

Upon notification to the Board that a drought stage exists, as defined in Section 14-34 of this Article, the Board may issue a declaration of a drought stage. The County may declare a drought stage in the absence of a declaration by the Commonwealth of Virginia. The County must declare a drought stage upon declaration by the Commonwealth of Virginia.

Sec. 14-36. Drought Stage Responses.

Upon declaration by the Board of a Drought Watch or Drought Warning, voluntary conservation measures will be requested of residents and businesses as set forth in the Upper James River Basin Drought Preparedness and Response Plan. Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the Plan.

Sec. 14-37. Open Burning Ban

A. When it is deemed necessary by the Fire-Rescue department, at any time, due to drought or other conditions that create an imminent or extraordinary fire hazard, including a threat to life or property, or a public nuisance as provided in the Virginia Statewide Fire Prevention Code, F-301.10, the Fire-Rescue Chief, in consultation with the County Administrator, may issue a declaration that open burning or fires are prohibited in part or all of the County. Following such a declaration, it shall be unlawful for any person to burn brush, grass, leaves, trash, debris or any other flammable material, or to ignite or maintain any open fire, within the county or within any part of the county subject to the prohibition. The declaration shall remain in effect until the Fire-Rescue Chief issues a declaration that the condition no longer exists and the prohibition is terminated.

B. When any such declaration is issued, amended or rescinded, the Fire-Rescue Chief shall promptly post a copy of the declaration, amendment or rescission on the County website, at the County Administration building, the Fire-Rescue department building, and at each fire station in the area of the county in which the emergency has been declared, and shall publish notice of the declaration, amendment or rescission in a newspaper of general circulation.

C. A violation of this section shall constitute a class 1 misdemeanor. Each separate incident may be considered a new violation.

Sec. 14-38. Waiver of Restrictions.

Upon prior written request by an individual, business, or other water user, the Board, or its designee, may permit less than full compliance with any drought restrictions if good cause can be shown, including evidence that the applicant is affected in a substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Board or its designee unless the Board or its designee determines that the public health, safety, and welfare will not be adversely affected by the waiver. All waivers granted by the Board or its designee shall be reported at the Board's next regular or special meeting.

Sec. 14-39. Penalties.

Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be fined not less than One Hundred Dollars (\$100.00), nor more than Two Hundred Fifty Dollars (\$250.00), except as provided in Section 14-37. Each act or each day's continuation of the violation shall be considered a separate offense.

(Article III, Secs. 30-39 Added by Ord. of 10-24-11, to be effective 11-1-11)

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

Adopted this 27th day of July, 2020.

Update on CARES Act/Business Assistance:

Business Development Assistant Brandy Flint briefly reviewed the following information:

"Chairman Lyons, Members of the Board.

As you all know, the County has received CARES funding to be used for cost and expenses incurred because of COVID-19. The Finance Committee determined that it would like to use some of that funding to assist small business via direct grants.

While there is a broader overview of all potential grant uses later in the agenda, staff felt that this item required an independent report for you.

The EDA already has a grant process in place, utilizing EDA funds. The finance committee recommends leveraging that process, but with several adjustments:

- 1) Make it easier to apply with fewer restrictions.
- 2) Include agriculture/silviculture (which had been excluded from the first round).
- 3) Increase the potential grant amounts to three award levels, depending on the score judged by a review panel: \$2,500, \$5,000, or \$10,000.

Since this would be distributed by the existing EDA program, an agreement between the Board and EDA needed to be drafted. We used an example from another County to arrive at the documents in your package.

Last Monday, the EDA reviewed the proposal and asked to consider two changes:

- 1) In the Grant policy - They asked to require that a qualification be that the majority of employees of a business be County residents
- 2) In the application form - They asked to remove the section certifying that the EDA or Board member could not apply for funding

The Finance Committee subsequently reviewed and, while understanding of the intention, did not recommend the first request.

The second request was forwarded to Ms. Huffman to gain a legal opinion."

Ms. Huffman explained that the original concern was whether or not there were a conflict of interest for EDA or Board Members applying for the funding. She stated that, regardless if the language was included or not, each member alone would need to comply with the COIA. Should a member find an exemption that could apply to their business, she added, they should still get an opinion from the Commonwealth's Attorney.

Supervisor McDaniel shared his concern about members of the public serving on the EDA and BOS who want to do what is needed for his/her business without their being a conflict. He added that the Board asks members of the public to serve so business of those members should not suffer as a result of volunteering. If this language is included, Supervisor McDaniel added, the Board may see members of the EDA resign.

Supervisor Lewis agreed with Supervisor McDaniel's comment adding that those members should not be punished. He added that it should be up to each member, each circumstance, and added that the other provision not

be added as well, limiting businesses to apply with employees residing in the County.

Supervisor Lewis moved to strike the following provisions:

- 1) In the Grant policy - requirement that the majority of employees of a business be County residents
- 3) In the application form -the section certifying that the EDA or Board member could not apply for funding.

A second was provided by Supervisor McDaniel, 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

Update on CARES Act Planned Expenditures:

Mr. Suter briefly reviewed the following information:

"As reported in June, the County had received \$1,969,407 in CARES Act funds passed through the state coffers. There are a large number of restrictions in use of the funds. The Finance Committee continues to work through the various pieces of guidance from the Federal and State Government. Broad categories of uses discussed at the Board's June 22 meeting included:

- Goods, services and payroll directly associated with COVID19 response.
- Public Facility Modifications
- Business Support and Recovery
- K-12 Education

- Technology and Telework
- Fire and Rescue
- Regional Jail Costs

In addition to the guidance from above Mr. Bolster has also coordinated with the County's auditor, Robinson Farmer Cox, to gain additional information on allowable uses. The Finance Committee met early last week and discussed in more detail. While costs associated with some of the categories are yet to be determined, some areas of specific recommendation include:

- Business Support and Recovery - In your previous agenda item, you heard the proposal to expand the EDA's existing business support program by loosening some of the restrictions and increasing the available funds by \$250,000.

They also discussed participation in (via \$5,000 match) in a regional GOVa grant to assist with the Regional Small Business Development Center - as a vehicle to assist County businesses during response to COVID.

- Rockbridge County Schools - As previously reported, the Finance Committee recommends distribution of a lump sum of funding to the RCPS for COVID related expenditures. Subsequently, the school division estimated that additional costs for technology, sanitation and transportation will total \$450,000.

Other areas where totals are not yet available include:

- Regional Jail - Jail staff have done a good job of accounting for COVID-related cleaning supplies, emergency housing and other costs, but have also submitted requests for projects related to transportation, laundry equipment, prisoner screening equipment and HVAC. As these would be costs shared via formula with the regional partners (Lexington and Buena Vista), we must ensure their approval prior to moving ahead.

- Building Improvements - We have known costs for some of the modifications already implemented or planned, but we are still waiting on estimates for others.
 - We have already put windows at public interaction points in the administration building, and are now doing the same in the Clerk of the Circuit Court's office. We are getting pricing for prox card entry in the administration building, as well as potential to create building zones which could help control access during a pandemic. Finally, we are continuing to work on upgrades in this very room, to allow for easier remote meeting access.

- Fire and Rescue - The Finance Committee is continuing to review options to assist Volunteer Fire and Rescue Departments. Should we ultimately not be able to find a clear path to use CARES Act funds for this purpose, the Finance Committee may suggest use of general fund dollars. Additionally, the County Department of Fire and Rescue

has submitted a request to retrofit an existing trailer for pandemic testing or inoculation events.

- Technology and Telework - Thus far, approximately \$115,000 in technology improvements and services have been identified as appropriate and allowable under the CARES Act guidance. Examples include a transition from desktop to laptop computers for some employees who could telework but currently cannot, improvements in network infrastructure, improvements to the audio/visual equipment in the Board meeting room, to provide for more efficient remote meeting capacity, and software licensing to provide more opportunity for telework.
- Towns - We have shared documents with the Towns of Goshen and Glasgow, allowing for request of CARES Act funds for allowable uses, and expect requests, though we do not yet know any totals. Attached are documents shared with the Towns for consideration.
- Non Profit Agencies - We have received several requests from non-profits for use of CARES Act funding. The Finance Committee is continuing to discuss options for potential assistance to non-profits which have traditionally been supported by the Board.
- Public Safety Compensation - Guidance issued by the US Department of Treasury indicate that salaries for public safety workers are allowable under the CARES Act. At this point, we can estimate salary

costs for public safety, but until we receive totals in other areas, we will not be able to ascertain what amount of the total funds could be used for this purpose.

The request before you is twofold:

- Consider approval of the set totals of \$450,000 for the RCPS and \$250,000 for the EDA to provide business assistance grants, to include authorization for the County Administrator to enter into agreement with the EDA on behalf of the Board, as described in the prior agenda item - with any recommended changes to the posted documents.
- Authorize the Finance Committee to continue to make determinations of fund use and to return to the Board with additional recommendations as needed. The Finance Committee encourages Board members to contact them with any thoughts or recommendations for consideration."

Mr. Bolster asked for authorization to schedule a public hearing on a budget amendment, appropriating CARES Act funds.

Supervisor Ayers moved to approve the recommendations. 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

Consideration of COVID Workplace Policy:

Captain of Fire and Rescue Kevin Moore briefly reviewed the agenda item which included the following information:

"On July 15th, the State of Virginia adopted the First-in-the-Nation emergency workplace safety standards for the COVID-19 pandemic. These rules are designed to protect Virginia's workforce through implementation of robust safety policies and procedures that include mandating appropriate personal protective equipment, sanitation, social distancing, infectious disease preparedness and response plans, record keeping, training, and hazard communications in workplaces across the Commonwealth.

The Emergency Temporary Standard, approved by the Safety and Health Codes Board, is included in this package for your review. A summary of the requirements is listed below:

1. Developing and implementing training programs to inform employees of COVID-19 transmission methods, risk factors, signs and symptoms, including the County's preparedness and response plan
2. Performing hazard assessments for all position groups and classifying those according to exposure risk level
3. Establishing workplace controls: installing barriers/shields, redesigning customer traffic flow, enhancing means of conducting business remotely, altering work assignments, schedules, and workstations to accommodate social distancing
4. Ensuring diligent cleaning and disinfecting of common areas and customer counters; providing employees with necessary time and supplies to practice frequent hand washing and sanitizing
5. Providing all necessary and appropriate position specific PPE.
6. Following the established response plan accurately and consistently across departments to mitigate the spread of the virus and to provide direction in the event there is a positive case at a County worksite.

7. Promoting self-monitoring for symptoms and fever; addressing symptomatic concerns when they arise
8. Notifying employees who may have been exposed to a positive employee or customer while keeping confidentiality of identity of the known infected person.
9. Advising of travel risks and necessary precautions to take when returning, especially from areas designated as "hot spots"
10. Informing employees of their leave options under the Families First Corona Response Act and responding to any requests
11. Requiring that all contractors, subcontractors and vendors are made aware of the County's Infectious Disease policy and agree to comply

While the final guidance has not yet been promulgated, staff has been proactively working to develop a plan, and is in the final stages of completing the draft. Fortunately, many of the requirements have already been put into practice in County workspaces. The purpose of this report is to keep the Board informed of progress. Our goal is to finalize the plan and present it to the Board Personnel Committee for consideration, and return to the Board to seek approval at your next regularly scheduled meeting on August 10th."

Chairman Lyons and Mr. Suter commended Captain Moore, Chief Ramsey, and H.R. Manager Heidi Hoke for their hard work on all COVID related needs.

Appointments:

Building Code Board of Appeals- Richard Siler- Term Expired

7/13/2020:

This appointment was moved forward.

Monthly Staff Reports:

Supervisor Lewis moved to accept the reports 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

Board Comments:

Supervisor Ayers shared that the Chamber of Commerce and Economic Development Committee were working on a series of virtual sector based community input sessions based on the Ready Grant that will gather economic development opportunities. She also shared that the Tourism Board was working on the "Pact Program" and that more information could be found on the Tourism website.

Chairman Lyons asked the Board to let him know if they wished to add a discussion on the admission tax to the next agenda given the comments made during citizen comments.

Closed Meeting

Supervisor McDaniel moved to enter into a Closed Meeting as permitted by Virginia Code §2.2-3711(A)(3), discussion or consideration of a matter involving Solid Waste Collection Centers (2) and Economic Development for

acquisition of real property for public purposes where discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

Supervisor McDaniel moved to reconvene in open session following the closed meeting. A second was provided by Supervisor Ayers, 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

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

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

Adjournment:

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

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