

AT A CALLED WORK SESSION OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS  
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING  
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA  
ON MONDAY, AUGUST 10, 2020 AT 4:30 P.M.

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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

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CALLED TO ORDER:

Chairman Lyons called the Work Session to order.

**Update/Discussion on CARES Act Fund Use:**

County Administrator Spencer Suter briefly reviewed the following notes:

"As noted the finance committee has been working hard to determine the best recommendations for use of Cares funds. The day after the Board's last meeting, we were notified that CARES funding allocation had been doubled to over \$3.9M. The Finance committee has met twice since and again over the phone this morning. Our goal tonight is to share the Broad categories and get BOS feedback on use.

With the notification of additional funds, we received a listing of broad categories of expenditure. To make things simpler, we have adopted those categories. You'll note that some of the categories don't have

numbers, we are still compiling. Others show funds that have already been committed." He then reviewed the categories as follows:

K12 Public Schools: \$450,000

Supervisor Lewis noted that the request from the Finance Committee is to reach out to the schools to see if they could identify additional needs given the additional allocation from the State.

Food Insecurity: Potential to assist funding to RARA

Mortgage and Rental Assistance: Potential to open more vouchers

Temporary Housing/Housing Assistance/Emergency Housing: Supervisor Ayers suggested assistance to Project Horizon.

Supervisor Lewis noted that non-profit organizations were going to receive their full annual contribution.

Mr. Suter advised that the 10% reduction had not been restored, but if/when it is, those organizations would have to sign a document authorizing use of that 10% in a way related to COVID.

Small Business Assistance: \$255,000 disbursed by the EDA.

Supervisor McDaniel asked that businesses be made aware of these available funds.

COVID Testing: No direct costs identified, yet. Health Department has provided the direct cost for mobile sites. Emergency Services Trailer will need upgrading, an estimated cost of \$10,000.

Supervisor McDaniel asked if funds could be used to contract with a medical facility to administer the antibody test.

Mr. Suter advised that the local universities have contracted services to administer the antibody test.

Chairman Lyons suggested asking the Rockbridge Area Health Center and Supervisor Day suggested asking Dr. Kornegay at the Virginia Department of Health for potential clinics for County staff.

Contact Tracing:	VDH continues to cover.
Telework for Government Operations:	Hardware, software, licensing, training, etc. (Online bill-pay for Zoning and Building Permits)
Non-Governmental Internet Access:	\$5,000 for RANA circuits
Disinfection and Sanitation:	Additional cleaning in the County Public Building, Jail, Courts, etc.
Personal Protective Equipment (PPE):	Masks, sanitizer, etc.
Safe Access to Government:	Unsure at this time. Mr. Suter noted that some of the items in this category are covered in Building modifications
Building Modifications/compliance with Dept. of Labor Regs.:	Sneeze guards, barrier, foot traffic direction, Courthouse improvements, etc.
Public Health and Safety Employees under the presumption Provision:	Public safety salaries for uniformed Sheriff's Office and Fire/Ems, etc.
Local/Regional Jails:	Emergency housing, transport unit, laundry, HVAC, cleaning, supplies, etc.
Operation of Government Services:	Unsure at this time. Mr. Suter noted that items here are covered in other categories.
Assistance to Non-Profit Agencies:	\$150,000 to Utilized the Community Foundation to take applications for non-profits and provide funding for services that serve County residents.
	\$50,000 to support the YMCA's initiative to

create additional child care for County residents with their understanding that the CARES Act expenditure deadline is currently through the end of the calendar year.

Assistance to Towns: Various projects.

COVID Payroll: For required quarantine.

Assistance to local Volunteer Fire and EMS Agencies: \$21,000 for additional pay-per-call funding to attract and retain volunteers.

Potential to provide additional payments to agencies for COVID related expenses.

Broadband: There is potential to fund broadband projects but there is conflicting guidance on what would be allowable. Additionally, any expenditures would have to be completed by December 30.

Supervisor Lewis abstained for discussion on Broadband, leaving the dais.

The Board provided guidance to continue with the proposed line items.

Chairman Lyons closed the Work Session at 5:28 p.m.

AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA  
ON MONDAY, AUGUST 10, 2020 AT 5:30 P.M.

\*\*\*

BOARD MEMBERS PRESENT: D. E. LYONS  
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CALLED TO ORDER:

Chairman Lyons called the meeting to order.

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

Chairman Lyons then led in the Pledge of Allegiance followed by reading aloud the following announcement:

"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. 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 which is also available on the County website.”

**Changes to the Agenda:**

There were none.

**Recognitions and Presentations:**

**A Resolution of Appreciation for Gerry Locher, long-time member of the EDA:**

Chairman Lyons read aloud the following resolution:

**A RESOLUTION PRESENTED TO B.G. LOCHER, JR.,  
WHO SERVED ON THE ROCKBRIDGE COUNTY ECONOMIC DEVELOPMENT AUTHORITY  
FROM AUGUST 2002 UNTIL JULY 2020**

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**WHEREAS**, B. G. “Gerry” Locher, Jr., began serving on the Rockbridge County Economic Development Authority in August 2002; and,

**WHEREAS**, Mr. Locher has served as a dedicated member of the EDA for over 18 years exhibiting a positive, professional, and thoughtful manner; and,

**WHEREAS**, while serving on the EDA, Mr. Locher helped the County successfully implement many new economic development programs, projects, and initiatives, including the establishment and expansion of numerous businesses. During Mr. Locher's terms on the EDA, the expansion at Washington and Lee, Devils Backbone Brewing Company's Outpost, expansions, and reorganization at The Virginia Horse Center, the build-out of the Natural Bridge Industrial Park, and many more.

**NOW, THEREFORE, BE IT RESOLVED** , that members of the Rockbridge County Board of Supervisors wish to share their sincere appreciation to B. G. "Gerry" Locher, Jr., for his wiliness to serve the citizens of Rockbridge County as a member of the Rockbridge County Economic Development Authority from August 2002 to July 2020.

**Adopted this 10<sup>th</sup> day of August , 2020.**

The Board unanimously approved the resolution and presented Mr. Locher with a framed copy while thanking him for his service on the EDA.

**Citizens Comment:**

Chairman Lyons opened the citizen comment period while noting that comments pertaining to the admissions tax would be welcomed during discussion of that item on the agenda. There were no comments.

**Approval of the July 27, 2020 Minutes:**

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

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

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

Fiscal Services Director Steven Bolster reviewed his monthly memorandum which included the following information:

"Section I - Commissioner of the Revenue

Activities for Month:

1. Preparing personal property file to send to NADA for pricing.

2. Manually pricing personal property items that NADA is unable to assess, as well as business personal property.
3. Presenting 2020 personal property book to the Treasurer on or before August 24th.
4. Will begin preparing 2020 land use re-validation forms for mailing.
5. Entering the August DMV report into local records for reconciliation.
6. Assessing and entering new construction for 2020.
7. Preparing for the resignation effective August 15th of a staff member.

## Section II - Treasurer

### Activities for Month:

1. Statement of Treasurer's Accountability due the Auditor of Public Accounts on July 31, 2020 (new due date). This was completed and mailed on July 9, 2020.
2. Debt Set Off collections continue \$3,937.48 associated with 34 filings.
3. Present FY 2019-2020 Uncollected Tax Report (file is part of financial package)."

Ms. Trovato presented the uncollected tax report to Mr. Bolster.

Mr. Bolster then reviewed the revenues verses expenditures chart and recommended the following: "Approval to schedule a public hearing on August 24th for consideration of an FY 2021 budget amendment associated with the second round of CARES Act funding."

There was no opposition by the Board to proceed with the advertisement.

Mr. Bolster proceeded to review the County's appropriation resolution and recommended approval.

Supervisor Lewis moved to approve the appropriation resolution as presented. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Ayers McDaniel, 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, AUGUST 10, 2020 AT 5:30 P.M.

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

APPROPRIATION RESOLUTION

**GENERAL FUND:**

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

4-11-81080-5201 Telecommunications.....	\$800.00
4-11-81080-5401 Office Supplies.....	\$2,500.00
4-11-81080-7003 Computer Equipment.....	<u>\$6,000.00</u>
<b>Total General Fund Appropriations</b>	<b>\$9,300.00</b>

**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:

4-372-94432-8001-005 Replace County Admin Bldg Roof...	<u>\$12,822.00</u>
<b>Total Construction Project Fund Appropriations</b>	<b>\$12,822.00</b>

**Current County**

11 - General Fund	\$968,833.23
94 - Central Stores	\$5,962.05
202 - COVID-19 Response Fund	\$254,592.89

372 - Construction Project Fund	\$12,821.97
376 - Capital Purchases Fund	<u>\$31,257.00</u>
<b>Total County Bills</b>	<b>\$1,273,467.14</b>
<b>Current Fiscal Agent</b>	
80 - Regional Jail Fund	\$133,793.60
202 - COVID-19 Response Fund (Schools)	<u>\$31,426.90</u>
<b>Total Fiscal Agent</b>	<b>\$165,220.50</b>
<b>TOTAL ALL BILLS</b>	<b>\$1,438,687.64</b>

Supervisor McDaniel asked how often the County collected delinquent taxes to the point of putting liens against the property.

Ms. Trovato replied that different styles of collection are utilized. She stated that sometimes the Treasurer's Office uses a DMV stop on delinquent personal property taxes and other times they use a debt set off where a tax refund is blocked. Ms. Trovato added that delinquent real estate collections are still ongoing as well.

Supervisor McDaniel referred to delinquent taxes listed dating back to 2006.

Ms. Trovato advised that some of the older uncollected taxes shown could be a result in the taxpayer having filed for bankruptcy. She added that the uncollected tax would be shown until the taxpayer works through all of the aspects of the bankruptcy. She noted that the statute of limitations for this specific case is longer than regular outstanding delinquencies.

**Discussion on the Admissions Tax Increase:**

Chairman Lyons advised that the Board first considered the new admissions tax because they felt they should take advantage of the

opportunity that was given to them by the State. He added that the Board complied with its due diligence and held a public hearing on the new tax at which time no businesses came to comment leaving the Board to believe they did not oppose the tax. He suggested that implementation of a new tax probably should have not occurred during a pandemic as some of the businesses were not able to be open to the public. He shared his understanding that, although businesses are closed and staff is not being paid, there are still expenses that have to be paid. For example, he added, the Natural Bridge Zoo still had to feed all of the animals even though their business was shut down to the public. Chairman Lyons asked the Board to consider not doing away with the admissions tax, but to suspend it because for a time, as the proceeds of the tax have not been budgeted. He added that the tax could be reinstated after the pandemic has passed and after meetings are held with businesses to decide whether or not the tax will hurt them. He suggested that in the meantime, each business impacted by pandemic apply for the business assistance grant through the Economic Development Authority to offset some of the lost revenues.

Supervisor Day agreed with Chairman Lyons stating that he felt the Board should revisit and reconsider its action on the admissions tax.

Supervisor Ayers agreed to suspend the admissions tax until after CY2020 and in the meantime think of better ways to communicate with small businesses during a pandemic.

Supervisor McDaniel shared how fortunate the County is to have the unique small businesses and suggested that a new tax of any kind be implemented at the beginning of a calendar year verses July 1 which is

directly in the middle of a work-season for many of the small businesses. He advised that the Board only considered implementing the new admissions tax as an alternative to raising personal property and real estate taxes.

Supervisor Lewis added that this was not the Board's idea but rather the General Assembly's idea and suggested that businesses with concerns reach out to their State representatives. He explained that the General Assembly continues to provide less funding to localities but expect them to continue providing services such as to public safety and education. He added that the Board wants to be able to provide those services but does not have the ability to when the State is not providing enough funds to do so. He shared his concern about holding off on the implementation of the admissions tax, should the funding level from the Commonwealth remain the same.

Chairman Lyons reiterated that the Board encourages impacted businesses to speak with their State representatives. He added that the State should not exempt themselves from the tax. He then called for citizens comments.

Matt Rutigliano representing the Natural Bridge Hotel and Caverns advised that the caverns, prior to the pandemic, had a tour every half hour whereas now, since the pandemic, is has one tour per hour. He added that the Board should consider what implementation of the admissions tax really brings to the County. For example, he shared, higher costs result in fewer attractions being visited and fewer nights being booked for hotel stays, ultimately generating less revenue for the County. Thus, this would make a negative impact, not positive, he advised.

Mark Cline, representing Dinosaur Kingdom II, shared his appreciation to the Board for listening to the comments made at the July 27<sup>th</sup> meeting and taking in to consideration the concerns of local business owners. He shared his continued concern about the potential to be taxed to perform at charity events when the cost to perform is out-of-pocket. He suggested having a group of business owners and County staff meet prior to implementing the tax to consider all impacts of the tax and to come together to find ways to attract tourism in the future.

Spencer McElroy representing the Lime Kiln Theater shared that the timing of considering the admissions tax was terrible and suspending its implementation makes sense. He added that the admission tax will impact local businesses, local citizens, and tourism in the County. He asked the Board to consider alternative ways to increase revenues; one way he added, is to increase tourism.

Gretchen Mogensen representing the Natural Bridge Zoo commended the Board for reconsidering the admissions tax. She advised that minimum wage will increase next year resulting in the need to increase ticket prices aside from the admissions tax. She added that increasing ticket prices will result in visitors not spending as much money in their gift shop, which has already decreased dramatically in sales due to the pandemic, nor will they spend money going to other amusements or restaurants. Ms. Mogensen asked the Board if the admissions tax was being considered to assist in the USDA loan for the Virginia Horse Center to which Mr. Suter replied, no. She then asked the Board to consider a lesser amount when discussing implementation at a later date as 10% is higher than what other localities are collecting.

Lauren Summers representing Hulls Drive In stated that 60-80% of their attendees are reoccurring visitors from the County, thus, the admissions tax will impact local citizens. She advised that in the 20 years of operation as a 401c3, the month of July has always been the best month for the Drive In. However, she advised, this July, ticket sales were down by 49% and food and beverage sales were down by 54%. Ms. Summers stated that concession sales are what pays the bills for the Drive in and having a decrease by 54% has been very hurtful to the business. She added that an admissions tax being implemented during the middle of the season would be too hard to adhere to, leaving no choice but to absorb themselves until the additional fee could be marketed properly.

George Fitzgerald representing Natural Bridge Speedway advised that he lost 15 weeks of racing as direct result of the pandemic. He added that during those 15 weeks, there were bills that still had to be paid such as the mortgage, electric, and other utilities. He stated that his attendees are mostly from within the County as well, so locals would be impacted by the admissions tax. Mr. Fitzgerald shared his appreciation to the Board for suspending the new tax.

Matt Rutigliano representing the Natural Bridge Hotel and Caverns suggested that the Board look at ways to increase tourism or else his business would not survive. He offered his help in coming up with ideas.

Mark Cline representing Dinosaur Kingdom II also offered his help.

Chairman Lyons asked the County Attorney to review the Boards options at this point.

Ms. Huffman stated that the Board could repeal the tax or reduce the percentage of the tax following another public hearing.

Chairman Lyons asked if the Board could suspend the tax.

Ms. Huffman replied, no, that the Board does not have the authority to suspend any tax.

Supervisor Lewis shared that he would be uncomfortable with suspending the tax at this time.

Supervisor Ayers asked if the Board would need to repeal the 10% tax if bringing it back at a later date or reducing the percentage.

Ms. Huffman replied that the Board could repeal the tax now, and bring it back at a future date with a lesser percentage, such as 5%. She added that it is not a problem it is just a matter of advertising for the public hearing. She added that the Chairperson could add this to a future agenda or could bring it back on a motion by any member of the Board. Ms. Huffman advised that a brand new ordinance would at that time be brought back to include a percentage the Board wants to impose.

Supervisor Lewis advised that he had studied this tax, that he knows the facts of what happens in the Commonwealth as a result of the tax, and noted that the admissions tax was suggested by the General Assembly as a way for local governments to raise revenue. He stated that he understood that the Board adopted the tax at a terrible time, even aside from the pandemic, and suggested looking at this in January with a 5% tax.

Supervisor Ayers shared her concern about issuing a new tax in January when there are no targeted needs to use the money for. She suggested the Board review the needs of the County and collect that data before imposing a new tax.

Supervisor Lewis stated that the Board already has the data collected because they know how the County has been impacted by unfunded mandates for the past 10 years.

Supervisor McDaniel agreed with Supervisors Lewis and Ayers adding that he was unsure if the tax should be repealed, but felt it should be suspended until it is decided what the needs are, with the understanding that the numbers and information could change. He then asked Ms. Huffman if the tax could be suspended temporarily.

Ms. Huffman replied, no, adding that the Board does not have the authority by statute to suspend a tax as it is part of the County Code. She added that it is either in effect or not.

Chairman Lyons asked Ms. Huffman if the Board had the authority to change the tax rate.

Ms. Huffman replied, it does.

Chairman Lyons asked if the Board could reduce the rate to zero percent to accommodate not repealing the tax but also not collecting the tax as of right now.

Ms. Huffman replied, it could, but the exact same process would have to be followed when changing the rate to zero percent. She advised that there is no point in setting the rate at zero percent. She also advised that, if repealing the tax, it is removed from the County Code until there is a tax imposed. She added that there is an entire process in the Code that has to be complied with whether there is a rate or not, to include work for collection of the tax by the Commissioner of the Revenues office. Ms. Huffman suggested that the rate be reduced if not repealing or to just

repeal the tax, removing it from the Code, and then looking into it again in the future to impose a rate.

Supervisor McDaniel noted that, regardless if the Board repeals or reduces the tax, a public hearing would have to be held.

Ms. Huffman advised that the soonest the Board could hold the public hearing would be at the August 24<sup>th</sup> meeting.

Supervisor Lewis asked for clarification that the Board could advertise for a changed implementation date and rate.

Ms. Huffman confirmed.

Supervisor Ayers shared that she would be uncomfortable implementing something this year. She asked if the Board is wanting to implement the tax in January 2021 or January 2022.

Chairman Lyons suggested implementing the tax in January 2022 to provide enough time for meetings with business owners to come up with a way that will benefit all parties involved in collecting the tax.

Supervisor McDaniel stated that the tax was not allocated to a certain purpose so maybe the percentage could be staggered during implementation or maybe the first monies collected from the admissions tax be used to assist the small businesses being impacted - with tourism marketing for their business.

Mark Cline spoke on behalf of the small businesses stating that they like that idea.

Spencer McElroy shared his understanding that the Board would like to implement the tax at a later date and suspend collecting the tax as of right now which makes the most sense to him. He agreed to meeting with

other businesses to emphasize tourism and to revisit the tax during the budget year.

Supervisor McDaniel moved to authorize scheduling a public hearing for August 24, 2020 to repeal the admissions tax. Supervisor Ayers provided the second. Supervisor Lewis stated that he would be voting no because he could not support repealing the tax without a timeline to revisit, and added that the County contributes monies to tourism already.

The motion carried by the following roll call vote by the Board:

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

Chairman Lyons asked Mr. Cline to be the point of contact for a committee to discuss the admissions tax in the near future.

**Public Hearing at 6:00 P.M.:**

**Consideration of CARES Act Budget Amendment Part 1:**

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

"As you are aware, the County received \$1,969,407 in CARES Act funding in June 2020. In accordance with Section 15.2-2507 of the *Code of Virginia*, the County published a public hearing notice in *The News-Gazette* on July 29th and *The Rockbridge Advocate's* August 2020 publication. The notice stated the Board's intent to amend the FY 2021 budget with the CARES Act funding and provided a concise summary of the proposed expenditure categories."

Chairman Lyons opened the public hearing at 6:41 p.m. Hearing no comment, Chairman Lyons closed the public hearing.

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

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

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VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,  
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,  
ON MONDAY, AUGUST 10, 2020 AT 5:30 P.M.

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

APPROPRIATION RESOLUTION

BE IT RESOLVED By the Board of Supervisors of Rockbridge County, Virginia:

I. That the Rockbridge County Board of Supervisors ("Board") accepts and appropriates Federal CARES Coronavirus Relief Funds, as follows:

WHEREAS, the U.S. Congress passed and the President signed the *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020*; and

WHEREAS, localities were allocated funding from the CARES Act through multiple sources, but primarily from the Coronavirus Relief Fund (CRF) allocations which provided for an allocation from the Commonwealth of Virginia's CARES funding to localities based on population; and

WHEREAS, CRF funds may be used for qualifying expenses to cover costs that 1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and 3) were incurred during the period that begins March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the County is required to provide an equitable share of the CRF funds that are allocated to each incorporated town within its jurisdiction (Rockbridge); and



"The Commonwealth has set forth requirements for businesses, including local governments to plan for pandemic response. The goal is to get this approved by the Board and then begin rolling it out to staff and sharing with other agencies as requested."

Chairman Lyons commended staff for the policy.

Supervisor McDaniel asked for clarification that the County was not restricting employees' vacation destinations - rather just requiring them to monitor their health when returning from vacation. He also asked if employees would be paid if quarantining.

Human Resources Director Heidi Hoke replied that the County was not restricting vacation destinations; employees are asked to monitor their health upon their return. She added that employees would be paid if quarantined for a specific reason, not just to stay home for 14 days following a vacation and having no symptoms of an illness.

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

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

### **Consideration to Schedule a Public Hearing on Logging Equipment Tax**

#### **Exemption:**

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

"This year, the General Assembly passed legislation which would allow localities to exempt from personal property taxation equipment used for

forest harvesting and silvicultural activities. County Attorney Vickie Huffman and I checked with Commissioner of Revenue David Whitesell and to his knowledge, the County has never assessed a tax on this equipment.

If the Board would like to codify the longstanding practice, a public hearing for the code amendment would be required."

Supervisor McDaniel asked why the County would want to start taxing, now, when it hasn't been.

Chairman Lyons replied, to update the County Code.

Mr. Suter added that logging activities had never actually be exempted from the tax by code; rather they were exempted administratively.

Supervisor Ayers asked if this tax would be under the list of farm equipment exemptions.

Mr. Suter replied, it would. He added that the Virginia Association of Loggers and silvicultural lobbied for this exemption, which was authorized by the General Assembly in the 2020 session.

Ms. Huffman further clarified that a public hearing would be required to codify the exemption; however, if the Board fails to approve the exemption, it would be appropriate for the Commissioner of the Revenue (COR) to begin assessing the equipment.

Supervisor Day asked how the COR could assess personal property when the State has exempted it.

Ms. Huffman stated that the State had not exempted this tax but has given local Boards the right to exempt it just like any other farm equipment.

Mr. Suter stated that the County should have been collecting this tax all along as the equipment was not exempt. However, he added, it has always been administratively done by prior Commissioners of Revenue.

Supervisor Ayers stated that it would be hard for her to imagine voting on something that was missed opportunity and intended to review all potential taxes at the same time next year during the budget season.

Supervisor McDaniel asked if it were so that the County could not continue doing what it has been doing over the years now that the State has authorized this change and asked if this was the reason it was being brought up.

Ms. Huffman replied that the language is coming from the Loggers Association.

Supervisor McDaniel added that he did not mind the exemption but did not want to prevent future Board members ability to tax if they felt the need to do so.

Chairman Lyons clarified that changes can be made to the ordinance at any time following a public hearing.

Supervisor McDaniel moved to schedule a public hearing on this matter for the August 24<sup>th</sup> meeting. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

**Consideration of Request for Proposal for HVAC Improvements to the Fire-Rescue Admin/Regional 911 Center Building:**

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

"In October 2017, the Rockbridge County Fire-Rescue Administration and Regional 911 Center Building came online for operational use. Recently, Consolidated Dispatch leadership provided County staff with a request for the installation of single, stand-alone air conditioning units to support IT-related equipment and associated personnel. Since the original renovation project, more-than-anticipated servers and other IT equipment have been added to office space, increasing the temperatures. In addition, County staff identified that the current HVAC system is beyond its warranty period and the need for a preventative maintenance and on-call service agreement exists to maintain optimal performance of the system. In order to ensure that building zone programming and maintenance of the entire, consolidated HVAC system for the building is coordinated and under one contract, we recommend that a single entity be retained for both the additional unit installation and ongoing maintenance. Cost for the additional cooling unit would be borne by the Regional Communications Center (cost share with regional partners) and costs for ongoing, full building maintenance would be shared between the County and the Regional Communications Center.

We examined both invitation for bid (IFB) and request for proposal (RFP) options and it is clear that an RFP is the preferred approach to give us the best system solution. It would allow for proposers, who are experts in the HVAC field, to examine our existing system and provide us with efficient and effective options to install new HVAC units. An additional component will be ongoing, comprehensive system maintenance.

Thus, and in accordance with the Rockbridge County Purchasing System Resolution:

- Staff believes this work falls under non-professional services.
- Rockbridge County Purchasing System Resolution section § 4-102(1) - Competitive Negotiation, states that, "When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the County a contract may be entered into by use of the competitive sealed proposal method."
- Staff deems that, in order to ensure that we gain the optimal service for the County and to meet the intent of the scope of services, we will be better served by issuing an RFP, rather than an IFB. This recommendation is based on the fact that the County would be best served by soliciting the most technically-qualified provider of services, rather than the lowest bidder. In addition, an experienced proposer may offer recommendations which may prove beneficial and cost-effective to the County.

Our schedule provides for installation of the cooling components over the fall/winter season, with completion by January 29, 2021. This would be a turnkey project in which the successful vendor would be responsible for the installation/operation of new components and the preventative/on-call maintenance of the building's HVAC system."

Supervisor McDaniel asked why a new HVAC system is needed when the building was only three (3) years old. He asked if there was more being

stored than was supposed to be or if they are not taking advantage of other storage that may be available.

Mr. Suter advised that Mosely Architects conducted a heat study during the design phase at which time the equipment was stored in the lower level of the Buena Vista Police Department and the size of the new CAD and radio system was not included. He added that a 911 technician had been hired since the study and that individual has upgraded security, the servers, and all of the old equipment and not everything fits in the server room. When this problem occurred, he stated, they reached out to the original contractor who advised that the air flow could not be redirected to assist with the new room of equipment, thus, the new HVAC improvements are necessary. Mr. Suter noted that the request is only for a split-unit for the IT technician's office, not replacement of the entire system.

Supervisor Lewis asked if there were potential to use other space for storage.

Mr. Suter replied that he believed staff is looking into storage off-site, but did not believe that will completely fix the problem.

Supervisor Lewis asked that a study be done on the best place to house the servers.

Supervisor McDaniel moved to authorize issuance of an RFP for the services outlined in the scope of services, finding that an IFB is neither practicable nor fiscally advantageous to the public for the reasons set forth above and direct staff to bring a recommendation back to the Board for consideration after proposals have be received and evaluated.

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

**Break:**

At approximately 7:03 p.m., Chairman Lyons called to suspend the meeting, temporarily, and reconvene following the Blue Ridge Resource Authorities regularly scheduled monthly meeting.

**Reconvened Meeting:**

Chairman Lyons reconvened the Board of Supervisors regular meeting.

**Closed Meeting:**

Supervisor McDaniel moved to enter into a closed meeting as permitted by Virginia Code §2.2-3711(A) (1), a personnel matter involving assignments to Board employees (County Administrator/County Attorney) for appointment or promotion of particular officers, appointees or employees, and performance evaluation, job assignments or salaries of specific officers, appointees or employees AND as permitted by Virginia Code §2.2-3711(A) (3), discussion or consideration of a matter involving 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 Ayers provided the second, and the motion carried by the following roll call vote by the Board:

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

Supervisor McDaniel moved to reconvene in open session following the closed meeting. A second was provided by Supervisor Day, and the motion carried by the following roll call vote by the Board.

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

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

**Appointments:**

**CSB- Susan Parochniak resigned- Term Expires 12/31/2020:**

Supervisor Lewis moved to appoint Bruce Sigler to the CSB to fill the unexpired term. 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

**Adjournment:**

With no further business to discuss, Chairman Lyons adjourned the meeting.