

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, SEPTEMBER 28, 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

FISCAL SERVICES
DIRECTOR: STEVEN J. BOLSTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the meeting to order at 5:30 p.m.

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

The Board then led in the Pledge of Allegiance.

Chairman Lyons advised of 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, also available on the County website.

3) If you wish to make a citizen comment as a Zoom meeting participant, you will use the "Raise your Hand" feature. You can press the "Raise Hand" button on the bottom of your Zoom window, or press *9 if you are calling in by telephone."

Changes to the Agenda:

There were none.

Recognitions and Presentations:

There were none.

Citizens Comments:

There were none.

Consideration of Compensation for Members of Local Board of Building Code Appeals, Economic Development Authority, and Regional Industrial Development Authority:

County Attorney Vickie Huffman briefly reviewed the agenda item which included the following information:

"At the Board's September 14th meeting, the Board considered compensation levels for appointed members of boards, commissions and authorities. A copy of the listing of current compensation levels is attached.

Following discussion, the Board requested the necessary documentation to consider increasing compensation for the County EDA, the Regional IDA, and the County Board of Building Code Appeals. Three proposed Resolutions are attached to increase compensation from \$30 per meeting to \$50 per meeting, and each includes provision for mileage and expense reimbursement."

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
SEPTEMBER 28, 2020

**Resolution to Set Compensation Rates for Appointed Members of the Board of
Directors for the Economic Development Authority of Rockbridge County,
Virginia**

WHEREAS, pursuant to Section 15.2-4904(D) of the Code of Virginia (1950, as amended), the Board of Supervisors is authorized to establish the compensation for the directors of the Economic Development Authority of Rockbridge County, Virginia (the "EDA"); and,

WHEREAS, the Board of Supervisors desires to authorize an increase in the compensation of the Directors of the EDA.

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

1. Compensation rates for the directors of the EDA shall be:
 - a. Board Meeting Compensation. Each director shall be compensated in the amount of \$50.00 per EDA Board meeting attended, including special or called board meetings.
 - b. Mileage Compensation. Each director shall be reimbursed for mileage for official business travel, which shall be based on Internal Revenue Service rates current at the time the mileage was incurred, and for other direct and documented expenses incurred in the performance of their duties.
2. That this Resolution shall be effective on and from the date of its adoption.

Adopted this 28th day of September, 2020.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
SEPTEMBER 28, 2020

**Resolution to Set Compensation Rates for Board-Appointed Members of the
Board of Directors for the Industrial Development Authority of the County of
Rockbridge and the Cities of Lexington and Buena Vista” (“the Regional IDA”)**

WHEREAS, pursuant to Section 15.2-4904(D) of the Code of Virginia (1950, as amended), the Board of Supervisors is authorized to establish the compensation for the directors of the Industrial Development Authority of the County of Rockbridge and the Cities of Lexington and Buena Vista” (“the Regional IDA”); and,

WHEREAS, the Board of Supervisors desires to authorize an increase in the compensation of its appointed Directors to the Board of the Regional IDA.

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

1. Compensation rates for the Board-appointed directors of the Regional IDA shall be:
 - a. Board Meeting Compensation. Each of the two Board-appointed directors shall be compensated in the amount of \$50.00 per IDA Board meeting attended, including special or called board meetings.
 - b. Mileage Compensation. Each of the two Board-appointed directors shall be reimbursed for mileage for official business travel, which shall be based on Internal Revenue Service rates current at the time the mileage was incurred, and for other direct and documented expenses incurred in the performance of their duties.
2. That this Resolution shall be effective on and from the date of its adoption.

Adopted this 28th day of September, 2020.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
SEPTEMBER 28, 2020

**Resolution to Set Compensation Rates for Appointed Members of the Rockbridge
County Board of Building Code Appeals**

WHEREAS, the Local (Rockbridge County) Board of Building Code Appeals (“LBBCA”) is established pursuant to Section 36-105 of the Code of Virginia (1950, as amended), and Section 119.1, *et seq.*, of the *Virginia Construction Code, Part 1 of the Virginia Uniform Statewide Building Code* (the “USBC”); and,

WHEREAS, the Board of Supervisors desires to authorize an increase in the compensation of the appointed members of the LBBCA, which may be offset by fees levied by the Board to defray the cost of appeals per Section 119.1 of the USBC.

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

1. Compensation rates for the appointed members of the Rockbridge County Board of Building Code Appeals shall be:

a. Board Meeting Compensation. Each appointed board member shall be compensated in the amount of \$50.00 per LBBCA meeting attended, including special or called meetings.

b. Mileage Compensation. Each appointed board member shall be reimbursed for mileage for official business travel, which shall be based on Internal Revenue Service rates current at the time the mileage was incurred, and for other direct and documented expenses incurred in the performance of their duties.

2. That this Resolution shall be effective on and from the date of its adoption.

Adopted this 28th day of September, 2020.

Consideration of 2013 Courthouse Refinancing Documents:

Fiscal Services Director Steven Bolster introduced RT Taylor of Davenport Public Finance who reviewed a power point presentation that incorporated the following information from the agenda item:

"On January 5, 2006, at the County's request, the Industrial Development Authority of Rockbridge County issued a \$15,000,000 Public Facility Lease Revenue Bond to finance the majority of the County's share of costs for the new Rockbridge County Courthouse facility through leasing arrangements in connection with the VML-VACo Finance Program. In Spring 2013, due to significant savings with lower interest rates, the County "refinanced" the outstanding balance of \$11,760,000 through the Virginia Resources Authority (VRA).

In August 2020, the County's Financial Advisor, Davenport & Company, screened the County's debt for potential refunding opportunities. In addition, VRA approached County staff for similar opportunities on existing VRA loans. Analysis by both organizations indicated a solid potential to "refinance" the County's 2013 courthouse loan through a taxable issuance to generate debt-service savings.

At the September 14th Board meeting, Davenport & Company Vice President RT Taylor presented their analysis on this debt-service savings opportunity. On September 23rd, Davenport provided staff an update on the projected savings, to include various options on how to structure the anticipated savings. Mr. Taylor is scheduled to provide the Board an updated presentation on their analysis and the savings options available to the County. A handout will be provided prior to their presentation.

Based on market rates as of September 18th, potential savings are summarized below (subject to change pending the bond issue).

Level savings approach:

-- Gross Cash Flow Savings: \$939,222, or \$58,701 on average per year

-- Present Value Savings: \$815,815, or 9.52% of the refunded bond

Up-front savings approach (scenario A):

-- Gross Cash Flow Savings: \$840,495, or \$213,980 per year over the next 3 years.

-- Present Value Savings: \$804,802, or 9.40% of the refunded bond

Up-front savings approach (scenario B):

-- Gross Cash Flow Savings: \$830,164, to include \$676,666 over the next 3 years.

-- Present Value Savings: \$808,143, or 8.92% of the refunded bond

Backload savings approach:

-- Gross Cash Flow Savings: \$1,136,705, to include \$1,102,723 over the final 2 years (2035-36).

-- Present Value Savings: \$872,213, or 10.18% of the refunded bond

If the authorizing resolution is approved, the remaining key dates on this advanced refunding effort are the following:

- Week of October 5th - local approvals for refunding of existing VRA debt are due

- October 28th - VRA bond sale
- November 18th - VRA tentative closing"

Supervisor Lewis moved to authorize a 3% threshold utilizing the Up-front savings approach, Scenario A, and approval of the resolution. 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

BOARD OF SUPERVISORS OF THE COUNTY OF ROCKBRIDGE, VIRGINIA
September 28, 2020
Lease Financing Arrangements with Virginia Resources Authority

AUTHORIZING RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ROCKBRIDGE, VIRGINIA

(2020 Taxable Advance Refunding-Courthouse Project)

WHEREAS, pursuant to Title 15.2 of the Code of Virginia, 1950, as amended (the "Virginia Code"), the County of Rockbridge, Virginia (the "County") is empowered to lease and lease finance the acquisition, construction, and equipping of County-owned, essential governmental projects and facilities related thereto, including the refinancing thereof; and

WHEREAS, on January 5, 2006, the Industrial Development Authority of Rockbridge County, Virginia (now known as the Economic Development Authority of Rockbridge County, Virginia, the "EDA"), acting at the request of the Board of Supervisors of the County (the "Board"), issued its \$15,000,000 Public Facility Lease Revenue Bond (Rockbridge County Project), Series 2006 (the "2006 EDA Bond"); and

WHEREAS, pursuant to the terms of that certain Lease Agreement, dated as of December 1, 2005 (the "2005 Lease"), between the EDA and the County, among other things, the proceeds of the 2006 EDA Bond were used by the County to finance the County's share of costs associated with the acquisition, construction, and equipping of the new regional courthouse facilities and parking deck (the "Courthouse Project"); and

WHEREAS, on June 5, 2013, the County and the School Board of Rockbridge County, Virginia (the "School Board") executed and delivered a \$11,760,000 Local Lease Acquisition Agreement and Financing Lease (Advance Refunding Project - Courthouse) dated April 4, 2013 (the "2013 Financing Lease") to Virginia Resources Authority ("VRA") as part of the Series 2013A Virginia Pooled Financing Program to (i) exercise the option under Section 4.3 of the 2005 Lease to make certain prepayments of the principal component of

Basic Rent (as defined in the 2005 Lease) and thereby cause the refinancing, redemption, defeasance, and advance refunding of the outstanding amount of the 2006 EDA Bond, and (ii) pay certain issuance costs in connection therewith; and

WHEREAS, pursuant to a Prime Lease dated as of April 4, 2013 (the “2013 Prime Lease”), between the County, as lessor, the School Board, as lessor, and VRA, as lessee, VRA acquired from the County and the School Board a leasehold interest in certain real property and improvements (the “2013 Real Estate”), and pursuant to the 2013 Financing Lease, VRA leased the 2013 Real Estate to the School Board and the County; and

WHEREAS, VRA and the County amended the 2013 Financing Lease under an Amended and Restated Local Lease Acquisition Agreement and Financing Lease dated July 15, 2016, by and between VRA and the County, and also amended the 2013 Prime Lease under an Amended and Restated Prime Lease dated July 15, 2016, by and between the County, with both amendments undertaken to (i) remove the School Board as a party, (ii) release the 2013 Real Estate, and (iii) replace the 2013 Real Estate with certain Courthouse Property (defined below); and

WHEREAS, VRA has offered to provide refinancing assistance through a lease financing with respect to any or all of the parcels of real estate on which the Courthouse Project is located and the associated improvements, fixtures, and personal property located thereon (all as may be required by VRA) and constituting the Courthouse Project (the “Courthouse Property”), in order for the County to cause the prepayment, refinancing, redemption, defeasance, and taxable advance refunding of all or any portion of the outstanding amount of the Rental Payments associated with the 2013 Financing Lease, and (ii) pay certain issuance costs in connection with such lease financing, all as further described below (the “Refunding Project”); and

WHEREAS, VRA has approved the County’s participation in VRA’s Virginia Pooled Financing Program, Series 2020C, and will provide such refinancing assistance to the County with a portion of the proceeds of the Virginia Resources Authority Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2020C in one or more series (the “VRA Bonds”) in order for the County to undertake and complete the Refunding Project, all as further described below; and

WHEREAS, VRA will issue the VRA Bonds and provide a portion of the proceeds thereof to the County for the purposes described herein pursuant to the terms of a Local Lease Acquisition Agreement and Second Amended and Restated Financing Lease (the “Financing Lease”) between the County and VRA with respect to all or any portion of the Courthouse Property; and

WHEREAS, according to the plan of refinancing, the County will enter into a Second Amended and Restated Prime Lease (the “Prime Lease”) with VRA whereby the County will lease the Courthouse Property to VRA; and

WHEREAS, pursuant to the terms of the Financing Lease, VRA will lease back all or any portion of the Courthouse Property to the County and the County will make Rental Payments (as defined in the Financing Lease) corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued for the Refunding Project; and

WHEREAS, the County intends to pay the Rental Payments as set forth in the Financing Lease out of appropriations from the County's General Fund; and

WHEREAS, the VRA Bonds will be issued pursuant to a Master Indenture of Trust, dated as of December 1, 2003, as previously supplemented and amended and as further supplemented by a Forty-Ninth Supplemental Series Indenture of Trust, dated as of November 1, 2020, both between VRA and U.S. Bank National Association, as trustee (the “Trustee”), and pursuant to that certain Second Amended and Restated

Leasehold Deed of Trust, and Security Agreement and Fixture Filing (the “Deed of Trust”), VRA will assign to the Trustee as security for the VRA Bonds all of its right, title, and interest in and to the Prime Lease and the Financing Lease as security for the VRA Bonds; and

WHEREAS, all such refinancing arrangements for the Refunding Project shall be set forth in, among other things, (i) the Prime Lease and the Financing Lease (together, the “Lease Documents”), and (ii) the Deed of Trust; and

WHEREAS, all such leasing arrangements between the County and VRA with respect to the Courthouse Property will contemplate the exclusive and uninterrupted use of the Courthouse Property by the County for its essential local government purposes, so long as no Event of Default or Event of Non-Appropriation (both as defined in the Financing Lease) have occurred; and

WHEREAS, the County is requesting from VRA an amount of proceeds sufficient to complete the Refunding Project, including amounts necessary to pay the costs of issuance, or such other amount requested by the County in writing and approved by VRA prior to the pricing of the VRA Bonds (the “Proceeds Requested”); and

WHEREAS, VRA has informed the County that VRA’s objective is to pay the County an amount which, in VRA’s judgment, reflects the market value of the Rental Payments under the Financing Lease (the “VRA Purchase Price Objective”), taking consideration of such factors as the Proceeds Requested, the Targeted Savings (as herein defined), the purchase price to be received by VRA for the VRA Bonds, the underwriters’ discount and other costs of the incurred by VRA (collectively, the “VRA Costs”), and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, such factors may result in the County receiving an amount other than the Proceeds Requested and consequently (a) the principal amount of the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (b) if the maximum authorized amount of the Financing Lease set forth in this Resolution does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

WHEREAS, the Board desires to authorize the Refunding Project and the various transactions contemplated by the Lease Documents in order for the County, among other things, to cause the refinancing, redemption, defeasance, and taxable advance refunding of all or any portion of the Rental Payments associated with the 2013 Financing Lease.

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

1. **Authorization of Arrangements in Connection with the Lease Documents and Use of Proceeds.** The transactions contemplated under the Lease Documents and this Resolution will enable the County to obtain significant debt service savings with respect to its obligations under the 2013 Financing Lease and otherwise with respect to the Courthouse Project. The Board hereby determines that it is advisable to enter into the leasing arrangements contemplated under the Lease Documents in order for the County to undertake and complete the Refunding Project, all as described in this Resolution. To such end, the Board hereby approves and authorizes the execution and delivery of the Lease Documents in the forms and upon the terms established pursuant to this Resolution, and acknowledges the transactions contemplated by the Deed of Trust, as required by VRA. The proceeds from the execution and delivery of the Financing Lease shall be used by the County, along with other lawfully available funds, if any, to undertake and complete the Refunding Project, all as contemplated under this Resolution and further described in the Financing Lease.

2. **Execution and Delivery of Lease Documents.** It is determined to be in the best interest of the County to (i) enter into the leasing transactions described in this Resolution, accept the offer of VRA to lease finance the Courthouse Property pursuant to the terms of the Financing Lease, at a price, determined by VRA to be fair and accepted by the Chair or Vice Chair of the Board, or the County Administrator (whether collectively or individually, any one or more of whom may act, the “County Representative”), and (ii) execute and deliver the Lease Documents to, or upon the order of, VRA upon payment of the lease proceeds, all upon the terms and conditions established pursuant to this Resolution and the final Financing Lease. The Board hereby authorizes such transactions and the Lease Documents in the forms and upon the terms established pursuant to this Resolution. The County Representative is hereby authorized and directed to accept the final principal amount of the Financing Lease as advised by VRA, provided that such principal amount thereof shall not exceed the amount authorized by this Resolution. The execution and delivery of the Lease Documents as described herein shall conclusively evidence such principal amount thereof and interest component thereunder as established by VRA and as having been so accepted as authorized by this Resolution, without any further action from the County being required.

The County Representative, and such officers of the County as any of them may designate, are each hereby authorized and directed to execute and deliver the Lease Documents on behalf of the County, with such changes as any one or more of them shall approve, as may be requested by VRA or advised by the County Attorney or the County’s bond counsel. The Clerk (or any Assistant/ Acting Clerk or designee) of the Board is authorized to affix the County Seal on any document in connection with the Refunding Project as may be requested, and to attest or counter-sign the same.

However, upon advice of the County’s financial advisor regarding market conditions, the County Representative is authorized to make a final determination to not move forward with the Refunding Project and not execute and deliver the Lease Documents to VRA by the deadline for such submission. It is understood and agreed that the County will be responsible for all reasonable out-of-pocket fees and expenses incurred by VRA in connection with the proposed refunding in the event that the County executes and delivers the Lease Documents and the parameters in this Resolution can be achieved through the issuance of the VRA Bonds, but the County opts not to move forward with the financing. Such VRA costs have a not to exceed amount of \$5,000.

3. **Details of the Financing Lease.** The Board hereby authorizes the execution and delivery of the Financing Lease on terms as shall be determined by VRA, subject to the VRA Purchase Price Objective and market conditions described in the Recitals hereto; *provided however*, (i) the transactions contemplated by the County’s prepayment of Rental Payments under the 2013 Financing Lease as part of the correlating Refunding Project shall produce a net present value debt service savings of at least [**3.0%**] of the principal amount refunded (the “Targeted Savings”), (ii) the maximum principal amount of the components of the Financing Lease shall not exceed the amount of **\$11,000,000**, and (iii) the termination date of the Financing Lease shall not be later than December 31, 2035.

The term of the Prime Lease shall not be more than five years longer than the term of the Financing Lease in order to provide security to VRA in the Event of Default or Event of Nonappropriation (as defined in the Financing Lease) by the County.

Given the VRA Purchase Price Objective and market conditions, it may become necessary to issue the Financing Lease in an aggregate amount greater than the Proceeds Requested. If the limitation on the maximum aggregate principal amount of the Financing Lease set forth in this Section restricts VRA’s ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price Objective and market conditions, the purchase price of the Financing Lease will result in an amount less than the Proceeds Requested. Subject to the foregoing limitations, the County authorizes VRA to establish the final principal amount of the Financing Lease, the final interest rate(s) on the Financing Lease, and the final maturity date and the final

principal amortization schedule (including principal installment dates and amounts) for the Financing Lease. The actions of the County Representative in determining the final terms of the Rental Payments shall be conclusive, and no further action or approval of such financing term shall be necessary on the part of the Board. The principal of and premium, if any, and interest on the Financing Lease shall be payable on the dates and in the amounts set forth in the Financing Lease.

4. **Details Regarding Form of Lease Documents.** The Lease Documents shall be in substantially the forms on file with the County Administrator, which are hereby approved with such completions, omissions, insertions, and changes as may be approved by the County Representative, with the execution and delivery of the Lease Documents by the County Representative constituting conclusive evidence of the approval of any such completions, omissions, insertions, and changes.

5. **Authorization as to Additional Documentation.** The County Representative, the County Director of Fiscal Services, the County Treasurer, and such other officers, employees, and agents of the County as may be requested, are each hereby authorized and directed to take all proper steps to have the Lease Documents prepared and executed in accordance with their respective terms, and as may be advised by County Attorney or the County's bond counsel, to deliver the same upon payment therefor, and to execute and deliver (or cause the delivery of) all such additional documents and certificates, all as may be requested by the County Attorney or the County's bond counsel, or as otherwise required by VRA, in furtherance of the purposes as set forth in this Resolution.

6. **Redemption, Prepayment, or Refunding.** The County may defease, redeem, prepay, or refund the Rental Payments under the Financing Lease only in accordance with the terms of the Financing Lease or other requirements of VRA.

7. **Essentiality of Courthouse Project.** The Board affirms and declares that the Courthouse Project and the transactions contemplated thereby constitute essential capital projects for local governmental purposes, and the County anticipates that the Courthouse Project will continue to be essential to the operation of the County during and beyond the term of the Financing Lease.

8. **Payment of Rental Payments under the Financing Lease and Related Amounts.** The County agrees to pay all amounts required by the Financing Lease, including the Rental Payments (as defined in the Financing Lease) and the "Supplemental Interest" and late charges, all as provided therein and as required by VRA in connection with the Prime Lease and the Financing Lease. Reference is hereby made to such provisions of the Financing Lease for the details of such requirements. The County hereby undertakes to appropriate such amounts as may be requested from time to time as described herein, to the fullest degree and in such manner as is consistent with the Virginia Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

9. **Nature of Obligations with respect to Rental Payments.** The Financing Lease shall be a lease rental obligation of the County for the pledge and payment by the County of Rental Payments to VRA for the principal of, premium, if any, and interest on the corresponding VRA Bonds, subject to the terms hereof and of the Financing Lease.

Nothing in this Resolution, the Lease Documents, or any other documentation in connection therewith, shall constitute a general obligation debt of the County within the meaning of the Virginia Constitution or Virginia statutory law. Further, it is to be expressly understood that the obligations of the County set forth therein shall not include any binding commitment to pay Rental Payments or any other moneys beyond the current fiscal year of the County, as provided by law. The County's obligations to pay the cost and expense of performing its obligations under the Lease Documents, including any documentation in connection therewith,

and further including without limitation its obligation to pay all Rental Payments and any other payments under the Financing Lease, under all circumstances, are subject to and dependent upon appropriations being made therefor from time to time by the Board for such purposes. Nothing in this Resolution or the Lease Documents (a) is or shall be deemed to be a lending of the credit of the County to VRA or to any other person or entity, (b) shall constitute a pledge of the full faith and credit of the County or the taxing power of the County or otherwise legally bind or obligate the Board to make any such appropriation(s) for the purposes described herein, or (c) otherwise compel the Bond to make any such appropriation(s).

10. **Court Facilities.** The Board hereby acknowledges and agrees that, pursuant to Virginia law, the County must provide courthouse facilities, and further, that Section 15.2-1638 of the Virginia Code provides that no conveyance or other interest in the Courthouse Property shall be construed to deprive the resident judge(s) of the right to control the use of the courthouse and facilities relating thereto. To such end, the provisions of the Lease Documents and Deed of Trust, including any other documentation in connection therewith, shall respect and set forth such provisions of Virginia law, all as may be advised by the County Attorney or the County's bond counsel.

11. **Registration, Transfer, and Exchange.** The Board hereby appoints the County Treasurer as its registrar and transfer agent to keep books for the registration and transfer of the Financing Lease and to make such registrations and transfers on such books under such reasonable regulations and procedures as the County may prescribe. No charge shall be made for any such exchange or transfer, but the County Treasurer may require payment of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

12. **Official Statement.** The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the 2020C VRA Bonds, a portion of the proceeds of which will be used to fund the Financing Lease as requested by the County. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to ensure compliance by VRA and the County, if any, with Securities and Exchange Commission Rule 15c2-12, all as may be required by VRA in connection with the issuance of the VRA Bonds and its execution and delivery of the Financing Lease and any continuing disclosure requirements thereafter, all as set forth in the Financing Lease and any other documentation in connection therewith.

13. **Filing of Resolution; Execution and Recordation of Lease Documents.** If deemed desirable or otherwise requested by VRA, the appropriate officers or agents of the County are each hereby authorized to cause a certified copy of this Resolution to be filed with the Circuit Court of the County. The County Representative is authorized and directed to execute the Lease Documents and deliver them to the other parties thereto, and further, to cause the Lease Documents to be recorded in the Clerk's Office of the Circuit Court of the County.

14. **Further Actions; Authorized Representatives.** The County Representative, the County Director of Fiscal Services, the County Treasurer, and all officers, employees and agents of the County as may be designated, are each hereby authorized and directed to take all such further action as they or any one or more of them may consider necessary or desirable in connection with the Lease Documents (including any transactions contemplated thereby). All such actions previously taken in connection herewith are hereby ratified and confirmed. All such further actions as may be considered necessary or desirable in connection with the execution and delivery of the Lease Documents consistent within the terms and provisions of this Resolution shall be conclusively deemed as having been accepted and approved as authorized by this Resolution without any further acts or approvals. The persons named herein as the County Representative shall also be designated as the County's Authorized Representatives for purposes of the Financing Lease.

15. **Effective Date.** This Resolution shall take effect immediately.

Approved: September 28, 2020

Chair
Board of Supervisors of Rockbridge County, Virginia

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of the County of Rockbridge, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Resolution adopted by the Board at a duly called regular meeting on the date hereof, and that the record of the roll-call vote is as follows:

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

Date: September 28, 2020

[SEAL]

Clerk
Board of Supervisors of Rockbridge County, Virginia

Public Hearings at 6:00 P.M.:

Re-Adoption of the Continuity of Government Ordinance:

Ms. Huffman briefly reviewed the agenda item which included the following information:

“At a Special Emergency Meeting of the Board of Supervisors on April 6, 2020, the Board adopted an Emergency Continuity of Government Ordinance, to address continuing government operations during the current emergency and disaster due to the COVID-19 pandemic. The Ordinance was effective for sixty (60) days, through June 5, 2020. On May 26, 2020, due to the on-going state of emergency, the Board of Supervisors held a public hearing and re-adopted and extended the Continuity of Government Ordinance for an additional four (4) months, through October 5, 2020.

The declared state of emergency and disaster continues at the federal, state and local levels, although many restrictions have been released or modified contingent upon compliance with guidelines for the health and safety of the public. It is not expected that all restrictions will be released or removed prior to October 5th.

Health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster. The usual and necessary operations of government, by law, often require gatherings of people in person.

Readoption of the Continuity of Government Ordinance is recommended to allow for observance of current public health guidelines as needed, and

to permit flexibility in the County's operations should circumstances change, whether in a positive or negative direction. If adopted, the Ordinance would remain in effect for six (6) months, through April 5, 2021, or its rescission, whichever first occurs. The proposed Ordinance is attached for the Board's consideration."

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

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, SEPTEMBER 28, 2020

READOPTATION OF ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER ("CONTINUITY OF GOVERNMENT ORDINANCE")

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One (2020) declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 17, 2020, the County’s Director of Emergency Management issued a Declaration of Emergency, as amended, applicable throughout the County of Rockbridge, Virginia, pursuant to Virginia Code Section 44-146.21; and

WHEREAS, on March 23, 2020, at its regular meeting, the Board of Supervisors of Rockbridge County (the “Board”) adopted a Resolution to ratify and confirm the Declaration of Local Emergency issued by the local Director of Emergency Management on March 17, 2020, specifically finding that the COVID-19 Pandemic constitutes a disaster as defined in Virginia Code § 44-146.16, being a “communicable disease of public health threat”, and amended the Declaration accordingly; and

WHEREAS, subsequent to the Declaration, there was confirmation of area citizens having contracted COVID-19; and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States had recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, Virginia Code Section 15.2-1200 allows counties to adopt necessary regulations to prevent the spread of contagious diseases; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Board of Supervisors may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Attorney General of Virginia issued an opinion dated March 20, 2020, stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, the Board of Supervisors has found that emergency measures are necessary to mitigate the ongoing emergency and disaster that is occurring in the County and to protect the health, safety, and welfare of the citizens; and

WHEREAS, the Board desired to ensure the continuity of government pursuant to Section 15.2-1413 of the Code of Virginia (1950, as amended), and on April 6, 2020, adopted an emergency ordinance in response to the disaster caused by the COVID-19 pandemic, to promote the public health, safety and welfare, consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America; and,

WHEREAS, the Board readopted and extended the Continuity of Government Ordinance on May 26, 2020, which provided that it would remain in effect until October 5, 2020, unless sooner rescinded; and

WHEREAS, County boards, commissions, and authorities have adopted procedures to permit increased in-person public participation in their meetings as some of the restrictions that were in place on May 26, 2020, have been relaxed; and

WHEREAS, outbreaks of the virus have occurred in different areas of the United States, and health experts warn of the possibility of a second wave of the pandemic during the fall and the winter; and

WHEREAS, health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and

WHEREAS, it is not anticipated that all restrictions will be released or removed prior to October 5, 2020, and the declared state of emergency and disaster remains in effect in the County of Rockbridge and the Commonwealth of Virginia; and

WHEREAS, the usual and necessary operations of government, by law, often require large gatherings of people in person, which would contradict the advice of the government and health officials responsible for addressing the continuing disaster caused by the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors wishes to follow the guidance of government and health officials while providing for the continuity of County government and critical local services during the state of emergency and continuing disaster caused by the COVID-19 pandemic; and

WHEREAS, the Board of Supervisors desires to ensure the continuity of County government pursuant to §15.2-1413 of the Code of Virginia (1950, as amended), during the remainder of the COVID-19 pandemic, to the extent needed or necessary to protect public health, safety and welfare in response to the disaster, consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

WHEREAS, public notice has been provided in accordance with §15.2-1427(F) of the Code of Virginia (1950, as amended); and

WHEREAS, the Board of Supervisors has held a public hearing on this Ordinance on September 28, 2020; and,

WHEREAS, the Board of Supervisors determines that the continuity of County government and provision of critical local services require adoption of this Ordinance.

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

1. That the COVID-19 pandemic may continue to make it unsafe to assemble in one location a quorum for public bodies of the County, including the Board, the Rockbridge County School Board, the Board of Zoning Appeals, the Planning Commission, the Tourism Corridor Review Board, the Rockbridge County Public Service Authority, the Rockbridge County Economic Development Authority, the Board of Building Code Appeals, and all local and regional boards, commissions, committees and authorities created by the Board of Supervisors or to which the Board appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and may be closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance, or in writing by mail or drop box in advance, and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization may be suspended, when necessary, during this emergency and disaster; however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that each incorporated town within the boundaries of Rockbridge County are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt/readopt an ordinance for the continuity of town government.

IT IS FURTHER ORDAINED, that the provisions of this Ordinance shall remain in full force and effect for a period of six (6) months from October 5, 2020, specifically through April 5, 2021. Upon rescission by the Board or automatic expiration as described herein, this ordinance shall terminate and normal practices and procedures of government shall resume.

Nothing in this Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

ADOPTED by the Board of Supervisors of Rockbridge County, on this 28th day of September, 2020.

James River Depot (Orrison Campground)- Application for Special Exception for a Campground in the Agricultural and General Use (A-2) District:

Interim Director of Community Development Chris Slaydon provided an overview of the project via power point which included the information in his agenda item as follows:

"Wendy Orrison has made an application for a special exception permit for a campground in the Agricultural and General Uses (A-2) District. The campground is located on the southside of Gilmores Mill Road (Route 708) and consists of three parcels of land owned by Charles and Karen Orrison (TM# 113-11-1 -6.41 ac), Russell and Laura Orrison (TM# 113-11-2 -6.42 ac), and Michael and Wendy Orrison (TM# 113-11-3 - 6.43 acres). The campground had been operating without the proper zoning approvals, business license, and health department approvals.

This is the second application for a special exception permit to operate a campground on the property. The first application was submitted

on June 16, 2020. The PC held a public hearing on July 8, 2020, two members were absent and with one member recusing himself (David Whitmore is part owner of the parcel to the west) the Commission felt it would be best to continue the public hearing to the August 12, 2020 meeting. At the August 12, 2020 meeting, the PC recommended to deny the project. Concerns expressed by the PC included the safety of the existing private railroad crossing and the adverse impacts to adjacent landowners. Primary concerns with the railroad crossing were the single lane over the tracts, the grade of the crossing, and in some cases the inability to see vehicles coming from the other side. Primary concerns with the adjoining landowners were previous trespassing issues on the property to the west and previous issues of campers going to "check-in" at the house across the road from the campground entrance. On August 13, 2020, the applicant withdrew the application, indicating that she would work on the concerns and resubmit.

On August 18, 2020, Wendy Orrison submitted the current application for a special exception. The second application reduced the number of campsites from eight to five sites, identified locations of signage to delineate the property line between the campground and the property to the west, and detailed the additional gravels that had been placed to improve the geometry to the railroad crossing. The landowners have also reached a private agreement with the landowners to the west on the location of a keypad gate.

On September 9, 2020 the Planning Commission held their public hearing and has recommend approval with the following conditions:

1. Substantial Compliance with concept plan prepared by Perkins and Orrison dated June 17, 2020, and revised on August 31, 2020, and September 22, 2020.
2. Campground is limited to primitive tent camping only. No motorhomes, tow-behind campers (such as pop-up campers, toy haulers, teardrop trailers, stand-up trailers, travel trailers, etc.) or other R.V.'s permitted.
3. All users are required to be notified and acknowledge that the campground is within the 100-year special flood hazard area. Campground owner shall utilize the Alert Rockbridge notification system and will provide instructions upon check-in about accessing the Alert Rockbridge System.
4. Campground owners are responsible for installing and maintaining signage identifying the western limits of the campground.
5. The campground will be addressed and install E911 signage.
6. The campground owners are responsible for ensuring that the railroad crossing/stop signage is not obstructed.
7. Approval contingent on final VDOT and Health Department approvals.
8. Campground is limited to fifty (50) vehicles and not to exceed one hundred (100) people."

Applicant Wendy Orrison further explained that she had been renting camping spaces for some time now, but recently realized she needed proper permits to do so. Thus, she stated she wanted to make things right and apply for the proper permits and offered payment of back lodging taxes to

the Commission of the Revenue. Ms. Orrison explained that she had withdrawn her first application to allow additional time to talk to neighboring property owners who have since shared their support.

Chief of Fire and Rescue Nathan Ramsey advised that he had visited the property to ensure a safe entrance across the train tracks, and given the property owners had added gravel up to the tracks and trimmed the trees, he felt the entrance would be safe for standard vehicles.

Supervisor Day asked about restroom facilities.

Ms. Orrison advised that there is a porta-john on-site.

Supervisor McDaniel shared his concern about crossing the railroad.

Supervisor Lewis shared his concern about the number of vehicles that would be crossing the railroad.

Ms. Orrison advised that the property is able to have five (5) homes built on it which would produce more traffic than the campsite.

Chairman Lyons opened the public hearing at 6:46 p.m.

Mr. Slaydon read aloud a comment received by email as follows:

"The fact that stops sign's was installed at the same time the whistle began blowing within and less than 7 days after July 4th, 2018 makes it apparent the land owners that stand before you now did not have proper Authority from this board voting on this ordinance to install stop signs or have the railroad start blowing its whistle. If indeed this County did hold a public meeting for the specific ordinance on this Crossing according to the VA Code the public was not notified and

therefore no cause for this property should be heard until this is rectified.

Compliance with the railroad is yet another stopping point. Yes this may be a civil issue but it is in the power of this board to protect the rights of all landowners. Russ Orrison stated during the zoning meeting that CSX has told him "a two-lane Crossing must be developed for any commercial traffic to cross their tracks "which it is currently a single Lane and later he stated "they will never get a letter from CSX to widen the crossing ". The safety of crossing the railroad has been a sticking point during all previous meetings and will continue.

I personally have helped camper trailers that got their Reese hitches stuck in the pavement coming out of this crossing which blocked traffic on Gilmore's Mill Road. After the first zoning meeting I had a camper drive up my 500-foot driveway and showed me the text message from Wendy Orrison giving him my address for the campground. That camper was only one out of at least six on a monthly basis for the last 2 years to come up my driveway right before dark. A copy of the police report with campers' names and addresses is on file for your review.

In conclusion this application should be denied and an order to the land owners to cease and desist all operations whether for profit or charitable to any groups should be ordered immediately. Land owners by their statement has intentionally and have intention to further violate the rights of CSX, has violated peace and security for me and my property ie illegal train whistle and sending commercial traffic to my home and had several complaints that brought the police to the property which is on

file. I beseech this board once again to deny this application and thank you for hearing our cause.

Respectfully,

Tina Beam"

Chairman Lyons closed the public hearing at 6:49 p.m.

Mr. Slaydon clarified he was able to confirm that the event in July 2018 that was referenced was a part of Wilderness Training and did not include Emergency management or County staff. He then stated that the railroad crossing included two separate issues, one being a civil issue between the two land owners (CSX and the Orrison Family) on the ability or lack of ability to unitize the existing crossing for commercial purposes. He stated the via email CSX has stated that "To continue to use, or expand the use of, the existing crossing for commercial camping or any other use beyond private farming, the user(s) must submit a request to CSXT for review." The second issue is any safety concerns with the crossings. He stated that the safety concerns were within scope of review with the Special Exception process.

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

Ayes: Ayers, Day, 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 ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, SEPTEMBER 28, 2020

Ordinance to Grant a Special Exception Permit to Wendy Orrison to Develop a Primitive Campground in the Agricultural and General Uses District (A-2), on Three Parcels of Land Totaling 19.26 Acres Located Along the James River off of Gilmores Mill Road, and Identified as Tax Map #113-11-1 Owned by Charles R. and Karen O. Orrison, Tax Map #113-11-2 Owned by Russell H. & Laura K. Orrison, and Tax Map #113-11-3 Owned by Michael C. and Wendy C. Orrison, in the Natural Bridge Magisterial District

WHEREAS, Wendy Orrison, as the developer, and the owners, have filed an application for a special exception permit to develop a primitive campground in the Agricultural and General Uses District (A-2), on three parcels of land totaling 19.26 acres, more or less, located along the James River off of Gilmores Mill Road in the Natural Bridge Magisterial District, identified as Tax Map #113-11-1, #113-11-2, and #113-11-3, as shown on a 'Special Exception Plan Showing Primitive Campground – TM# 113-11-1, TM# 113-11-2, TM #113-11-3#37' dated June 17, 2020, and revised on August 31, 2020, and September 22, 2020; and,

WHEREAS, the Planning Commission held a public hearing on this matter on September 9, 2020, and recommended approval with the specified conditions; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on September 28, 2020; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County, and the public interest.

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

1. That the Board finds that the granting of a special exception permit to Wendy Orrison, as the developer, and Charles R. and Karen O. Orrison, Russell H. and Laura K. Orrison, and Michael C. and Wendy C. Orrison, as the owners, to develop a primitive campground in the Agricultural and General Uses District (A-2), on three parcels of land totaling 19.26 acres, more or less, located along the James River off of Gilmores Mill Road in the Natural Bridge Magisterial District, identified as Tax Map #113-11-1, #113-11-2, and #113-11-3, as shown on a 'Special Exception Plan Showing Primitive Campground – TM# 113-11-1, TM# 113-11-2, TM #113-11-3' dated June 17, 2020, and revised on August 31, 2020, and September 23, 2020 is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby approved with and subject to the conditions set out on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this 28th day of September, 2020.

Recorded Vote:

AYES: Ayers, Day, McDaniel, Lewis, Lyons

NAYS: None

ABSENT: None

ABSTAIN: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Daniel E. Lyons, Chairman

Attest: _____
Spencer H. Suter, Clerk

**EXHIBIT A
ORRISON FAMILY PRIMITIVE CAMPGROUND,
K/A JAMES RIVER DEPOT
SPECIAL EXCEPTION PERMIT CONDITIONS**

1. Substantial Compliance with concept plan prepared by Perkins and Orrison dated June 17, 2020, and revised on August 31, 2020, and September 22, 2020.
2. Campground is limited to primitive tent camping only. No motorhomes, tow-behind campers (such as pop-up campers, toy haulers, teardrop trailers, stand-up trailers, travel trailers, etc.) or other R.V.'s permitted.
3. All users are required to be notified and acknowledge that the campground is within the 100-year special flood hazard area. Campground owner shall utilize the Alert Rockbridge notification system and will provide instructions upon check-in about accessing the Alert Rockbridge System.
4. Campground owners are responsible for installing and maintaining signage identifying the western limits of the campground.
5. The campground will be addressed and install E911 signage.
6. The campground owners are responsible for ensuring that the railroad crossing/stop signage is not obstructed.
7. Approval contingent on final VDOT and Health Department approvals.
8. Campground is limited to fifty (50) vehicles and not to exceed one hundred (100) people.

Robert Young's Auto & Truck Inc. - Application for Special Exception

Automobile Holding Yard in the General Business (B-1) District:

Mr. Slaydon provided an overview of the project via power point which included the information in his agenda item as follows:

"Robert Young's Auto & Truck Inc. has made an application to amend a Special Exception associated with the existing automobile holding yard located 4811 S Lee Highway (formerly Ferguson's Grocery -- TM# 106-33-D12). The purpose of the application is to relocate the existing holding

yard from the left (north) side of the building to the right (south) side of the building. The Office of Community Development has been working with another gentleman with plans to lease and reopen the convenience store. The relocation of the holding yard is needed in order to improve the flow of customer traffic. The original special exception was approved by the Board of Supervisors on May 29, 2018. The 2018 ordinance and associated conditions are included in the supplemental information in the package. Some of the conditions that are associated with the 2018 special exception permit have been addressed and some have been modified to reflect the current plans.

On September 9, 2020 the Planning Commission held their public hearing and has recommend approval with the following conditions:

1. Substantial compliance with the Zoning Plan, including continued maintenance of landscaping in healthy condition, and including maintenance of fence screening in presentable condition, as shown on the 'Robert Young Yard Storage', prepared by DEG Design and Services dated June 22, 2020, and attached hereto as Attachment 1 and incorporated herein. Fence may be increased to ten (10) feet in height (grade to top of fence).
2. Compliance with all regulations of Rockbridge County Code Section 23-101(B) and Section 23-103 for holding yards, and specifically including implementation of the screening plan, incorporated in the 'Robert Young Yard Storage', within (90) days.
3. Grading work must be completed so that all areas of the holding yard are not visible from the public right(s)-of-way and adjoining properties.

4. All erosion and sediment work to be stabilized within seven (7) days of final grading or temporary stabilization within fourteen (14) days, if work is dormant.
5. Erosion and Sediment control measures in place prior to commencement of work.
6. VDOT review and approval for new grading work that may impact drainage on the road right-of-way.
7. Approval contingent on Tourism Corridor Overlay (TCO) Board approval."

Chairman Lyons opened the public hearing at 7:05 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor Lewis moved to adopt the ordinance. 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, SEPTEMBER 28, 2020

Ordinance Granting an Amended Special Exception Permit to Robert Young's Auto & Truck, Inc., for a Wrecked/Abandoned Vehicle Holding Yard in the General Business District (B-1) on a Parcel of Land Owned By RYT, LLC (Tax Map No. 106-33-D12) Located at 4811 South Lee Highway, South of Its Intersection with Tinkerville Road in the Natural Bridge Magisterial District

WHEREAS, by Ordinance adopted on May 29, 2018, the Board of Supervisors granted a Special Exception Permit to Robert Young's Auto & Truck, Inc., for a wrecked/abandoned vehicle

holding yard in the General Business District (B-1) on a parcel of land owned by RYT, LLC, located at 4811 South Lee Highway and identified as Tax Map #106-33-D12, in the Natural Bridge Magisterial District; and,

WHEREAS, Robert Young's Auto & Truck, Inc., has filed an application to amend the Special Exception Permit to relocate the holding yard from the north side of the property to the south side, in accordance with a new Site Plan, titled 'Robert Young Yard Storage', prepared by DEG Design and Services, dated June 22, 2020; and,

WHEREAS, the Rockbridge County Planning Commission, following a public hearing on September 9, 2020, reviewed this application and recommended approval to the Board, subject to compliance with the conditions set forth in Exhibit A attached hereto; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on September 28, 2020; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County, and the public interest.

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

1. That the Board finds that the granting of an amended special exception permit to Robert Young's Auto & Truck, Inc., for a wrecked/abandoned vehicle holding yard pursuant to Rockbridge County Code Section 23-101(B) and Section 23-103, in the General Business District (B-1), on a

1.592-acre parcel of land as depicted on the “NEW SITE PLAN”, Landscape Plan, and Fencing Plan for ‘Robert Young Yard Storage’ dated June 22, 2020, prepared by DEG Design & Services, (Attachment 1), located at 4811 South Lee Highway, south of its intersection with Tinkerville Road in the Natural Bridge Magisterial District of Rockbridge County, owned by RYT, LLC, and identified upon the Rockbridge County Land Records as Tax Map #106-33-D12, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended)), and said amended special exception permit is hereby granted and approved with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts thereof in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed; specifically, this Ordinance shall supersede and be in lieu of the Ordinance adopted on May 29, 2018, granting a special exception permit to Robert Young’s Auto & Truck, Inc., for a wrecked/abandoned vehicle holding yard, which shall be deemed null and void from this date.

Adopted this 28th day of September, 2020.

Recorded Vote:

AYES: Lewis, McDaniel, Ayers, Day, Lyons
NAYES: None
ABSENT: None
ABSTAIN: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Daniel E. Lyons, Chairman

Attest: _____
Spencer H. Suter, Clerk

EXHIBIT A

AMENDED SPECIAL EXCEPTION PERMIT CONDITIONS

Robert Young's Auto & Truck, Inc.

1. Substantial compliance with the Zoning Plan, including continued maintenance of landscaping in healthy condition, and including maintenance of fence screening in presentable condition, as shown on the 'Robert Young Yard Storage', prepared by DEG Design and Services dated June 22, 2020, and attached hereto as Attachment 1 and incorporated herein. Fence may be increased to ten (10) feet in height (grade to top of fence).
2. Compliance with all regulations of Rockbridge County Code Section 23-101(B) and Section 23-103 for holding yards, and specifically including implementation of the screening plan, incorporated in the 'Robert Young Yard Storage', within (90) days.
3. Grading work must be completed so that all areas of the holding yard are not visible from the public right(s)-of-way and adjoining properties.
4. All erosion and sediment work to be stabilized within seven (7) days of final grading or temporary stabilization within fourteen (14) days, if work is dormant.
5. Erosion and Sediment control measures in place prior to commencement of work.
6. VDOT review and approval for new grading work that may impact drainage on the road right-of-way.
7. Approval contingent on Tourism Corridor Overlay (TCO) Board approval.

Consideration of Authorization of VPSA Refunding Bonds:

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

"On September 16th, Virginia Public School Authority (VPSA) representatives contacted Rockbridge County and Rockbridge County Public School Division staff to announce they were considering the refunding of certain pool bonds this Fall. The savings from this refunding effort will be passed along to our locality, and the other applicable local borrowers, through an annual credit revenue received each July. The VPSA included a

schedule showing the potential savings if the refunding occurs. Please note that these amounts are subject to market conditions and could change up until the sale date of the VPSA bonds.

1. Series 2005C Loan: estimated total savings/credits = \$50,837

2. Series 2012C Loan: estimated total savings/credits = \$998,660

The School Board meets on October 13th to consider a similar authorizing resolution to ratify and confirm the execution and delivery by the Chair, Vice-Chair, Superintendent, and Clerk of the School Board to complete the attached VPSA Certificate of Refunding of Local School Bonds document. Staff is coordinating with the School Division to garner the School Board Chair's signature on the refunding certificate prior to the VPSA deadline.

Important VPSA dates:

1. October 7, 2020 - Certificate of Refunding of the Local School Bonds due to VPSA.
2. October 20, 2020 - Tentative date of the pricing of the VPSA Refunding Bonds.
3. November 10, 2020 - Tentative closing of the VPSA Refunding Bonds."

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

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

RESOLUTION

WHEREAS, the Virginia Public School Authority (“VPSA”) has advised the School Board of Rockbridge County, Virginia (the “School Board”) and the County of Rockbridge, Virginia (the “County”) that VPSA will sell its School Financing Refunding Bonds (1997 Resolution) (the “2020C Refunding Bonds”) in order to refund a portion of its outstanding School Financing Bonds (1997 Resolution) (the “Prior VPSA Bonds”);

WHEREAS, certain local school bonds issued by the County are among the bond issues of the Prior VPSA Bonds that may be included in the 2020C Refunding Bonds, including the following obligations: (i) the Rockbridge County, Virginia General Obligation School Bond, Series 2005C, issued by the County to VPSA on May 12, 2005, in the original principal amount of \$3,590,000; and (ii) the Rockbridge County, Virginia General Obligation School Bond, Series 2012C, issued by the County to VPSA on November 15, 2012, in the original principal amount of \$20,460,000 (collectively, the “Prior Local Bonds”);

WHEREAS, VPSA has advised that the savings achieved as a result of the 2020C Refunding Bonds will be allocated over the remaining amortization periods of the Prior Local Bonds through an annual credit (collectively, the “Refunding Credits”), and, to such end, VPSA has provided the County and the School Board with preliminary amortization schedules that reflect the County’s existing amortization schedules for each of the Prior Local Bonds and the estimated Refunding Credits;

WHEREAS, the County shall continue to be responsible to pay the required debt service payments on each of the Prior Local Bonds in accordance with their respective original amortizations, and VPSA will cause the Refunding Credits to be paid to the County annually for each applicable year that was included in the 2020C Refunding Bonds issued by VPSA; and

WHEREAS, VPSA shall require the County and the School Board to complete, execute, and return to VPSA an appropriate Certificate of Refunding of Local School Bonds for the Prior Local Bonds (the “Refunding Certificate”).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Rockbridge County, Virginia (the “Board”), as follows:

1. The Board hereby approves and confirms the transactions contemplated by the 2020C Refunding Bonds, all as described above, and authorizes the County Fiscal Services Director, in consultation with bond counsel, to determine which of the Prior Local Bonds will be included in the 2020C Refunding Bonds issued by VPSA. In addition, the Board hereby authorizes all such further actions as may be necessary or convenient in order for the County to receive the Refunding Credits with respect to the Prior Local Bonds, the proceeds of which were used by the School Board to pay the costs of various capital projects for essential school purposes in the County as more particularly described therein.

2. The Chair and the Vice Chair, either of whom may act, the County Administrator, the Clerk of the Board (or any Assistant Clerk or designee), and the County Fiscal Services Director, are each authorized and directed to deliver all such documents, certificates, applications, questionnaires, or other instruments as may be necessary or convenient, including but not limited to the Refunding Certificate, in order for the intents and purposes described herein to be accomplished and further, to evidence the required certifications to VPSA that the County and the School Board shall continue to comply with the applicable provisions of the Internal

Revenue Code of 1986, as amended, with respect to the reissuance and refunding (whether in whole or in part) of the Prior Local Bonds in connection with VPSA's issuance of the 2020C Refunding Bonds.

3. This Resolution shall be effective immediately.

Dated: September 28, 2020

Chair
Board of Supervisors of Rockbridge County, Virginia

CERTIFICATE

The record of the roll-call vote by the Board of Supervisors of Rockbridge County, Virginia on the foregoing resolution duly adopted at its regular public meeting held on the date hereof is as follows:

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

Dated: September 28, 2020

[SEAL]

Clerk, Board of Supervisors of Rockbridge County

**Consideration of Proposal Ranking for Fire-Rescue Admin/911 Center HVAC
install and Maintenance Services RFP:**

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

"At its regular August 10th meeting, the Board approved issuance of a Request for Proposals for Installation of HVAC units and the establishment

of a maintenance service contract for the Rockbridge County Fire-Rescue Admin Building & Rockbridge Regional Public Safety Communications Center (the "911 Center"). Two proposals were received and reviewed by a team consisting of:

- Nathan Ramsey - Fire-Rescue Chief
- Curt Berry -911 Center Executive Director
- Dave Wheeler -911 Center Radio Technician

The selection advisory team utilized the following criteria to rank the proposals:

- Proposal Quality & Completeness
- Quality of Technical Design/Solution
- Price
- Experience and qualifications of firm and assigned personnel
- References/firm background
- Past performance on similar contract(s) in Rockbridge County
- Geographical location of firm to Rockbridge County

After review, the team has returned the following ranking of the two proposals for Board consideration:

- 1) Riddleberger Brothers, Inc.
- 2) Valley Boiler & Mechanical, Inc.

Though either of the firms could complete the project and provide the preventative maintenance service, the committee determined that Riddleberger Brothers, Inc. was the top-ranked proposer."

Supervisor Day moved to authorize staff to enter into negotiations in the order of ranking, and to return to the Board with a contract for approval. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

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

Appointments:

Building Code Board of Appeals- Richard Siler- Term Expired 7/13/2020

**Building Code Board of Appeals- Russell L. Williams- Term Expires
10/27/2020**

PSA- Jay Melvin- Term Expires 10/14/2020

PSA- Grigg Mullen- Term Expires 10/14/2020

These appointments were carried over to the Board's October 13th Agenda.

Board Comments:

Chairman Lyons announced that the next regular meeting of the Board of Supervisors would be Tuesday, October 13th.

Supervisor McDaniel asked Chief Ramsey to confer with Glasgow First Aid and Lifesaving Crew to see what they need from the County for staffing support.

Adjournment :

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