

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 TUESDAY, OCTOBER 13, 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 5:34 p.m.

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

Supervisor Lewis offered an invocation for anyone who wished to participate.

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. We will do our best to take citizen comment remotely. There are two options for citizens to offer comment:

- 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:

National Fire Prevention Proclamation:

Supervisor Ayers read aloud the following proclamation:

**PROCLAMATION EXPRESSING THE APPRECIATION OF THE
BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO
LOCAL FIRE AGENCIES AND FIREFIGHTERS**

WHEREAS, The President of the United States traditionally designates the week in which the date of October 9 falls as National Fire Prevention Week; and,

WHEREAS, the men and women of the Fire agencies serving Rockbridge County, the City of Lexington, and the City of Buena Vista provide a vital public service by responding to the fire suppression and technical rescue needs of our residents and visitors; and,

WHEREAS, it is important that all citizens know and understand that fighting fires is one of the most hazardous professions, requiring physical strength, stamina and courage; and

WHEREAS, safety of our citizens is a primary goal of local, state, and national government; and,

WHEREAS, Firefighters are often among the first to arrive upon the scene of emergencies and disasters, be they medical, natural or manmade, to provide immediate and often life-saving assistance; and

WHEREAS, Firefighters participate in numerous hours of rigorous training and continuing education in order to enhance their life and property-saving skills; and,

WHEREAS, our Firefighters have demonstrated a high level of commitment and dedication to their communities and fellow citizens by providing continuous care and service during a national pandemic;

NOW, THEREFORE, We, the Rockbridge County Board of Supervisors recognize the week of October 4th thru 10th, 2020, as National Fire Prevention Week, during which all of our residents may join in celebrating the dedication of our local Fire Departments and Firefighters, past and present, and their families, whose support allows them to serve our community.

Supervisor Lewis moved to adopt the proclamation. 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

Citizens Comments:

There were none.

Approval of the September 14, 2020 and September 28, 2020 Minutes:

Supervisor McDaniel moved to approve the minutes. 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

Financial Report:

Fiscal Services Director Steven Bolster reviewed his monthly memorandum and a draft FY2020 Budget Schedule and Funding Priorities. He then reviewed the revenues verses expenditures chart followed by an amended resolution for the payment of bills. Mr. Bolster advised that, on the Friday after the agenda was posted, staff recoded the one-time increase to volunteer agencies from the COVID 19 fund to the General Fund.

Supervisor Lewis moved to approve the payment of bills, as amended. 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 TUESDAY, OCTOBER 13, 2020 AT 5:30 P.M.

On motion by Supervisor Lewis, seconded by Supervisor Ayers, the Board, by record vote, approved the payment of bills for the month as follows:

Current County	
11 - General Fund	\$1,065,145.15
94 - Central Stores	\$11,106.97
202 - COVID-19 Response Fund	\$113,285.34
372 - Construction Project Fund	\$3,117.91
376 - Capital Purchases Fund	<u>\$32,411.24</u>
Total County Bills	\$1,225,066.61
Current Fiscal Agent	
80 - Regional Jail Fund	\$230,060.33
202 - COVID-19 Response Fund (Schools)	<u>\$47,500.00</u>
Total Fiscal Agent	\$277,560.33
TOTAL ALL BILLS	\$1,502,626.94

Update on Fire and Rescue Officers Association:

Chief of Fire and Rescue Nathan Ramsey introduced Fairfield Volunteer Rescue Squad Chief Steve Reese who was present. He then briefly reviewed his agenda item which included the following information:

"As you may recall from the September 14th meeting of the Board of Supervisors, a report from staff that indicated the RCFA and RERG were in agreement on delaying the original Fire & Rescue Association resolution as presented by the County in order for the two groups to meet and create an association that would be fair for both parties. The document is attached for your further review. Staff recommended honoring the request as presented and set an August 31, 2020 deadline for a draft of the newly formed association to be sent to the County for review prior to the first September meeting. Both groups met, drafted and approved by their membership the attached constitution and bylaws to form the RVEOA.

After discussion, the Board requested that the group consider separating the constitution and by-laws into articles of incorporation and

by-laws. Since that meeting, I met with the volunteer leadership (current presidents of the RERG and RCFA) and they presented concerns regarding the Boards request. While they are not against separating the document, it is currently consistent with how most volunteer departments are formed. Additionally, they note the fact that the RVEOA will not be incorporated. In addition to discussing the formation documents, we discussed potential options for funding the Association. The two presidents agreed to set up an account under the RVEOA into which funding can be deposited. From there, the two treasurers would manage the respective amounts dedicated to Fire and Rescue.

The RVEOA is planning to hold the first meeting on the 3rd Tuesday in October at the Rockbridge County Fire-Rescue administration building.

Should the Board agree two additional actions would need to occur:

- 1) Notify the City of Lexington and the City of Buena Vista that Rockbridge County plans to terminate their agreement with the Fire-Rescue Commission (which requires 90-day notice per current resolution).
- 2) Amend Chapter 14 of the County Code by removing the reference of the RCFA, RERG and Fire and Rescue Commission and replace with RVEOA. This would require setting a public hearing."

Supervisor Lewis moved to direct staff to communicate with the two Cities and send the 90-day notice, and schedule a public hearing to amend Chapter 14 of the County Code. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board, with Supervisor Day being absent from the dais during voting:

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

**Consideration to Authorize the Term of the Option to Purchase Lots at
Natural Bridge Station from Baldwin G. Locher, Jr., for Collection Center:**

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

"By Option to Purchase Agreement dated October 23, 2019, Baldwin G. Locher, Jr., granted to the County an option to purchase multiple lots along Wert Faulkner Highway in Natural Bridge Station for development of a solid waste collection center. The initial option period was for 90 days, and has been extended by the Board several times, as the owner has worked through some title issues and added two lots which were necessary to ensure the most efficient siting of the center.

Staff has since worked with the owner and his legal counsel in resolving outstanding issues. In addition to acquiring the two lots necessary for construction, the Owner has requested that the County also purchase six additional lots on the south end of the combined property, as they would essentially become unusable when separated from the main block of land. The original option agreement called for a total of 31 lots. Essentially, we propose to add eight lots to the option agreement for a total of 39 lots. The original option price for 31 lots was \$30,000. The basis for the valuation varied depending on road frontage and other factors. Using the same basis, the purchase price, if exercised for the entire boundary would increase by \$7,186 for a total of \$37,186.

Staff is requesting authorization to expand the scope of the agreement to include the additional lots and for the Board to extend the option agreement for an additional 90 days."

Supervisor Day moved to authorize the County Administrator to execute a the revised agreement, expanding the number of included lots and extending the Option to Purchase with Mr. Locher for an additional 90 days, with ability to extend for another 90 days if needed, subject to approval as to form by the County Attorney. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

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

Approval of Real Estate Tax Refund to John J. Schaus:

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

"John J. Schaus recently submitted his application, along with the required supporting documentation, to the Commissioner of the Revenue for real property tax relief for veterans with 100% service-connected disabilities. Upon review, the Commissioner of the Revenue determined that Mr. Schaus does qualify for the 100% veterans' tax relief, effective as of September 1, 2018 - the official date of disability (see attached certification letter from David Whitesell).

Mr. Schaus is the owner of real estate located at 109 Cedar Hill Lane, Lexington, VA, and designated upon the Rockbridge County Land

Records as Tax Map #62A-1-4. Based on the Commissioner of the Revenue's determination and in accordance with Virginia Code §58.1-3219.5, the real estate taxes from September 1, 2018, will be abated, which will generate a refund to Mr. Schaus in the amount of \$4,352.00.

Rockbridge County Code §25-1, adopted pursuant to Virginia Code §58.1-3981, provides that any correction of an erroneous assessment, resulting in a refund of \$2,500 or greater, requires certification by the Commissioner of Revenue, and approval of the County Attorney, to the Board of Supervisors. The Board of Supervisors may authorize the Treasurer to issue the refund as a result of the erroneous assessment; interest on the refund is not required per Va. Code §58.1-3219.5."

Supervisor McDaniel moved to approve, appropriate and direct the Treasurer to issue the refund to John J. Schaus, in the amount of \$4,352.00, with no interest. 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

Monthly Staff Reports:

Supervisor McDaniel moved to approve the reports as presented. 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

Appointments:

The following appointments were carried over to the October 26th agenda:

1. Building Code Board of Appeals- Richard Siler- Term Expired 7/13/2020
2. Building Code Board of Appeals- Russell L. Williams- Term Expires 10/27/2020
3. PSA- Jay Melvin- Term Expires 10/14/2020
4. PSA- Grigg Mullen- Term Expires 10/14/2020

Board Comments:

In regard to the Option to Purchase lots from Gerry Locher, Supervisor McDaniel asked if there were anything the County could do to address the standing water just north of those lots during construction.

Mr. Suter stated that they would do everything possible to ensure stormwater is managed in such a way it would not add more to those standing waters.

Supervisor McDaniel asked if VDOT would assist the County during the construction process by clearing a ditch line.

Mr. Suter replied, he would speak with VDOT to ask.

Supervisor McDaniel advised that he received a request from constituents in his district asking for litter pick-up from Tinkerville Road, North, to Sallings Mountain Road. He advised that those constituents usually pick up the litter but are at the age they do not feel safe being

alongside of the road. Supervisor McDaniel stated that those constituents advised that VDOT implied they would help, but only mowed the grass and left behind the litter. He asked if local inmates at the County's Jail could assist.

Mr. Suter advised that, prior to COVID 19, there was a planned contract between the Regional Jail and VDOT that would have gone into effect July 1st for inmate services. He added that, as a result of the pandemic, this plan was put on hold because money that was previously budgeted for inmate services was no longer able to be expended. In addition, he noted, there was potential for the virus to be contracted by the working inmates and spread to those in the Regional Jail. Mr. Suter advised that this is an important matter to him, and that he plans to pursue it as soon as pandemic recovery allows. He added that he is very appreciative of the volunteers who help with litter pick-up.

Supervisor McDaniel commented on the service fee constituents have to pay with paying their taxes online. He asked for clarification of what that fee is for.

Mr. Suter replied that the fee is to cover costs associated with processing the payments.

Supervisor Ayers asked if there were an option to pay taxes electronically via checking account without incurring a fee.

Mr. Suter replied that he was unsure, but would find out and let the Board know.

Supervisor McDaniel shared his concern about the fee structure of personal property taxes and relying on citizens to contact the

Commissioner of the Revenue (COR) when selling a vehicle. He stated that citizens should not be held responsible to contact the COR, that it should be a file transfer from the DMV.

Chairman Lyons suggested that the COR come to a Board meeting and explain the process.

Chairman Lyons advised that the Board was looking at having a Board Retreat on either November 4th or 5th. He asked for Board Members to look at their schedules and get back with Mr. Suter for potential dates and times. Supervisor Lewis noted that, due to schedule constraints, it would be preferable to conduct retreats in half, rather than full days if at all possible.

Adjournment:

Supervisor McDaniel moved to adjourn the meeting. Supervisor Lewis provided the second, and the motion carried by unanimous vote by the Board.

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