

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, NOVEMBER 10, 2020 AT 5:30 P.M.

BOARD MEMBERS PRESENT: D. E. LYONS
R. W. DAY
A.J. "JAY" LEWIS, II.
L.E. AYERS (virtually)

ABSENT: D.B. MCDANIEL

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the meeting to order.

Administrative Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members. The following members were present: Supervisor Lewis, Supervisor Day, and Chairman Lyons. Supervisor Ayers attended virtually, and Supervisor McDaniel was absent.

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 citizens comments near the beginning of the meeting. At that time, the public is welcome to make comments unrelated to any of the public hearings. Comments related to a public hearing should be held until that item is discussed and the public hearing is opened.

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

- 1) 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.
- 2) 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:

Update on NBSP:

Chairman Lyons introduced Natural Bridge State Park Manager Jim Jones and President of Friends of Natural Bridge State Park Bob Gilbert who were present.

Mr. Gilbert explained that the 5 previously-approved park positions from the Commonwealth were retracted from the budget at the beginning of the COVID pandemic; however, those positions have since been re-awarded to the park. He shared his appreciation to the Board for supporting those 5 positions and for attending the Kids Discovery Area's grand opening as well as the unveiling of the LOVE sign. Mr. Gilbert encouraged the Board to contact him if ever interested in joining the Friends of NBSP.

Mr. Jones also commended the Board for those who were able to attend the Kids Discovery Area's grand opening and the unveiling of the LOVE sign. He briefly reviewed the comparative stats handout he provided to the Board, noting that the park lost about 50% of its revenues once the pandemic hit in comparison to last year; however to-date, there is only about a 5% reduction in revenues compared to this time last year. Mr. Jones shared that the park is seeing attendance similar to what used to be only holiday weekends every weekend and attendance on weekdays similar to what used to be only on weekends. He noted that staffing to support these visit is limited, so it was great to hear that the 5 new positions are being given to the park soon. He then presented a new challenge coin that states, "Leave your mark, never settle". Mr. Jones recognized members of AmeriCorps who had completed Phase II of the Blue Ridge Trail for the park

and who were currently working on the primitive group campsites. He then called Ms. Sophia Farchione, the Team Leader for the AmeriCorps crew, to further explain what the crew has done for the community.

Ms. Farchione explained that AmeriCorps crews come to help an organization, but that they also spend time helping the community. She advised that her crew was engaged in helping the park, the Glasgow and Natural Bridge Fire Departments, and Boxerwood Nature Center. She noted that the activities they assisted at Boxerwood included planting new trees and adding fencing around the trees already planted. Activities for the fire departments included washing trucks and cleaning the garages. Finally, she noted that her crew also participated in trunk or treat activities at multiple locations in the County.

Supervisor Lewis commended Mr. Jones, stating that this was a testament of Natural Bridge State Park and Friends of Natural Bridge State Park and also commended the AmeriCorps crew for their willingness to help the community the way they have.

The Board and members of the audience applauded the AmeriCorps crew for their assistance in the community.

GOFA Excellence and Financial Reporting Award:

Chairman Lyons shared the Boards appreciation to the Finance Department for achieving the GOFA Excellence and Financial Reporting Award again this year.

Recognition of Registrars Department and Polling Place Workers:

Chairman Lyons shared the Boards appreciation to the Registrar's Office staff and poll workers for their work through the election.

Citizens Comments:

There were none.

Approval of the October 8, 2020 Joint School Board Minutes and the October 26, 2020 Regular Meeting Minutes:

Chairman Lyons advised that, prior to the meeting, there was one change to the October 8th Joint Meeting Minutes.

Supervisor Day moved to approve the October 8, 2020 Joint Meeting Minutes, as amended, and the October 26, 2020 Regular Meeting Minutes. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

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

Financial Report:

Fiscal Services Director Steven Bolster reviewed his monthly memorandum. He then reviewed the revenues verses expenditures chart followed by a resolution for the payment of bills.

Supervisor Lewis moved to approve the resolution as presented.

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

Ayes: Lewis, Day, Ayers, Lyons
Nays: None
Absent: McDaniel
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, NOVEMBER 10, 2020 AT 5:30 P.M.

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

Current County

11 - General Fund	\$575,028.22
94 - Central Stores	\$8,462.87
202 - COVID-19 Response Fund	\$65,155.83
376 - Capital Purchases Fund	<u>\$102,508.36</u>

Total County Bills **\$751,155.28**

Current Fiscal Agent

80 - Regional Jail Fund	\$214,582.58
202 - COVID-19 Response Fund (Schools)	\$234,191.28
721 - Comm Atty Forfeiture Fund	<u>\$10,263.64</u>

Total Fiscal Agent **\$459,037.50**

TOTAL ALL BILLS **\$1,210,192.78**

Discussion on Personal Property Registration by the Commissioner of the Revenue:

Chairman Lyons stated that, at a previous Board meeting, questions arose regarding personal property registration procedures. He introduced Rockbridge County Commissioner of the Revenue (COR) David Whitesell who was present to explain the process.

Mr. Suter advised that, at the October 13th meeting, Supervisor McDaniel asked for some clarification on the topic of vehicle registration transfer in the County, specifically concerning having to file a new vehicle with the COR within 30 days of purchase, to avoid a late filing fee. He briefly reviewed the agenda item which included the following information:

"At the Board's regular meeting on October 12th, the topic of vehicle transfer in the County was raised. The basis of concern was that the buyers of vehicles must report the purchase to the Commissioner of Revenue within 30 days to avoid a late filing fee. Staff was directed to request that Commissioner of Revenue David Whitesell attend a future Board meeting to discuss the process with the Board. Specifically, Mr. Whitesell was asked to explain the process of coordination with the Virginia Department of Motor Vehicles in the transfer of titles. He noted that the requirement is listed in County code, and that a copy of the applicable code section was attached to the agenda report.

For additional background, once monthly, the Commissioner's Office receives an electronic download of all vehicles which were titled in the County and sold, or which were bought and titled in the County. The Commissioner's Office then enters the data in the County's financial/assessment software. Per County Code, section 25 (Sections 24-27), the buyer of a vehicle titled in the County must report the purchase to the Commissioner's Office. By doing so, the new owner avoids any late-reporting penalties."

Mr. Whitesell explained that DMV sends his department monthly reports which are then reconciled by two of his staff members over a period of about three days.

Chairman Lyons asked how much the late filing fee was.

Mr. Whitesell replied, \$15, provided the penalty does not exceed the greater of 10% of the assessable tax on such return or \$10.

Chairman Lyons thanked Mr. Whitesell for his overview.

Update on CARES Act:

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

"On September 14th, the Board received a staff update on the CARES Act spend plan (\$3,939,841), to include the consideration of additional requests for fund use. The Board approved supporting RARA with \$5,000 to purchase food items for their food pantry. Additionally, the Board approved funding hazardous duty pay for full-time uniformed public safety personnel in the Rockbridge County Sheriff's Office and Fire-Rescue Department from the general fund. This one-time payment of \$2,000 is scheduled for the November 13th payday. Furthermore, the Board authorized a hazardous duty pay amount of \$500 for the Rockbridge Regional Jail staff, should the cities of Lexington and Buena Vista also contribute on a proportional share, via our formula for operational funding of jail operational costs. This payment was coordinated with our regional partners and is prepared for the 13th as well. Lastly, the Board reviewed and

approved the CARES Act committee recommendation to forego the use of CARES Act funding for broadband projects. Currently two separate state grants are sourcing broadband projects in the County." He then reviewed various items on the spreadsheet that showed the approved CARES Act spend plan.

The Board commended Mr. Bolster for the update.

Consideration of a Resolution Approving an HVAC Contract at the 911 Center:

This item was carried over to the November 23rd Agenda.

Public Hearings at 6:00 P.M.:

Lease of South River property to Lee and Peggy Herring:

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

"The County owns a number of properties on South River that were acquired in connection with the South River Flood Mitigation Project. The Open Space Policy adopted by the Board of Supervisors gives leasing priority to former property owners, then to the adjoining property owners.

Leander Keith Herring, Sr., and Peggy Sue Herring have recently purchased the property formerly owned by Edward A. (Tony) Jarvis, located at 36 Coffey Hill Drive, Buena Vista, VA. The Herrings have expressed an interest in leasing the three parcels of land that adjoin their property.

Two of the parcels, consisting of 3.245 acres and 7.303 acres (portions of Tax Map #64-A-11), were formerly owned by the Lemons. One parcel (Tax Map #64-A-10A) consists of 2 acres and was formerly owned by Fred E. & Betty H. Higgins. All three (3) parcels are located north of Camille Lane and are highlighted on the attached copy of the tax map. The total rent would be \$386.22 per year, calculated per the Policy as the equivalent of the real estate taxes that would be due if owned by the Herrings.

Approval of this lease requires adoption of an Ordinance, following public hearing. On October 26th, the Board scheduled the public hearing for this meeting. Public notice has been published.”

Chairman Lyons opened the public hearing at 6:03 p.m. There were no comments. Chairman Lyons closed the public hearing.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY, NOVEMBER 10, 2020

Ordinance Authorizing and Approving Execution of Land Lease Agreement With Leander Keith Herring, Sr., and Peggy Sue Herring to Lease County-Owned Property Acquired in Connection With the South River Flood Mitigation Project, Being Parcel B2 – 3.245 Acres and Parcel B3 – 7.303 Acres, Portions of Tax Map #64-A-11, and Being a 2.000-Acre Parcel Identified as Tax Map #64-A-10A, Lying North of Camille Lane (Route 754) in the South River Magisterial District

WHEREAS, the County of Rockbridge has acquired a number of properties within the flood plain along South River using grants awarded from the Federal Emergency Management Agency (FEMA), through the Virginia Department of Emergency Management (VDEM), and from the Virginia Department of Housing and Community Development (VDHCD) for this Project; and,

WHEREAS, the structures on these properties were demolished and the properties are to be maintained as open space, pursuant to the covenants and conditions imposed for compliance with the FEMA grant; and,

WHEREAS, on March 13, 2006, the Board of Supervisors adopted the 'South River Flood Mitigation Project Open Space and Land Lease Policy' and the Board has determined that those properties not located directly on South River be leased to interested parties as provided in the Policy; and,

WHEREAS, Jeffrey W. Lemon and Jennifer S. Lemon Hocking are the former owners of Parcel B2 - 3.245 Acres and Parcel B3 – 7.303 Acres, located north of Camille Lane (Route 754) in the South River Magisterial District of Rockbridge County, Virginia, and acquired by the County of Rockbridge in deed dated June 13, 2006, and recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, as Instrument No. 060002714; and,

WHEREAS, Fred E. Higgins and Betty H. Higgins are the former owners of a 2.000-acre parcel of land, located north of Camille Lane (Route 754) and lying between Parcel B2 and Parcel B3 described above, in the South River Magisterial District of Rockbridge County, Virginia, and acquired by deed dated July 6, 2006, and recorded in the aforesaid Clerk's Office as Instrument No. 06000316; and,

WHEREAS, Leander Keith Herring, Sr., and Peggy Sue Herring are the adjoining property owners and are interested in leasing said property for a period of five (5) years at a total annual rental of \$386.22 in accordance with the County's Policy; and,

WHEREAS, the lease of said property requires the adoption of an ordinance, following notice and a public hearing, which was held on November 9, 2020.

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

1. That lease of the parcels of land lying north of Camille Lane (Route 754) in the South River Magisterial District of Rockbridge County, Virginia, designated as "Parcel B2 - 3.245 Acres" and "Parcel B3 – 7.303 Acres" on a plat entitled 'Boundary Line Adjustment – Jeffery W. Lemon and Jennifer S. Lemon Hocking', recorded in the aforesaid Clerk's Office in Plat Cabinet 3, Slide 630, and identified upon the Rockbridge County Land Records as portions of Tax Map #64-A-11, and the 2.000-acre parcel of land, shown on a plat made by Steven P. Douty, L.S., dated June 10, 2001, and recorded in the aforesaid Clerk's Office as Instrument No. 010003521, and identified upon the Rockbridge County Land Records as Tax Map #64-1-10A, to Leander Keith Herring, Sr., and Peggy Sue Herring, for a period of five (5) years at a total annual rental of \$386.22, payable in advance, is hereby authorized and approved, subject to the Covenants and Conditions for Open Space, a copy of which is attached hereto as Exhibit A.

2. That the funds generated by this lease shall be placed in the General Fund of the County.

3. That the County Administrator is hereby authorized to execute a land lease agreement on behalf of the Board of Supervisors of the County of Rockbridge and to execute such other documents and take such further actions as are necessary to accomplish this transaction, all of which shall be upon form and subject to the conditions approved by the County Attorney.

4. That this ordinance shall be effective upon the date of its adoption.

Adopted this 10th day of November, 2020.

Ordinance to Amend and Reenact County Code Chapter 14 – Fire, Rescue, EMS and Emergency Management, to Substitute the Rockbridge Volunteer Emergency Officers Association for the Presidents of the County's Volunteer Firefighters' Association and the Rockbridge Emergency Rescue Group, and the Fire and Rescue Commission:

Chief of Fire-Rescue Nathan Ramsey briefly reviewed the agenda item which included the following information:

"As the result of the Board's October decision's to:

- 1) Recognize the newly formed Rockbridge County Volunteer Officers Association
- 2) Exit the Rockbridge Regional Fire and Rescue Commission

Several amendments to Chapter 14 of County Code are necessary.

Specifically, references to the Fire and Rescue Commission, Rockbridge Firefighters Association and Rockbridge Emergency Rescue Group needed to be replaced with reference to the Rockbridge County Volunteer Officers Association."

Chief Ramsey explained that a cop of the proposed changes to Chapter 14 were attached to the agenda item. Mr. Suter added that the proposed amendments had been duly advertised.

Chairman Lyons opened the public hearing at 6:05 p.m. There were no comments. Chairman Lyons closed the public hearing.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY,
NOVEMBER 10, 2020

Ordinance to Amend and Reenact Section 14-4 – Fire-Rescue Chief Services in Article I – Fire-Rescue Department, and Section 14-12 -- Permit Required; Exceptions in Article II of Rockbridge County Code Chapter 14 – Fire, Rescue, EMS and Emergency Management, to Substitute the Rockbridge Volunteer Emergency Officers Association for the Presidents of the County’s Volunteer Firefighters’ Association and the Rockbridge Emergency Rescue Group, and the Fire and Rescue Commission, Respectively

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

1. Section 14-4 in Article I and Section 14-12 in Article II, of Chapter 14 – Fire, EMS and Emergency Management, of the Rockbridge County Code is hereby amended and re-enacted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 14

FIRE, RESCUE, EMS AND EMERGENCY MANAGEMENT*

Art. I. Fire-Rescue Department, §§14-1--14-9 Art. II.

Fee for Services, §§14-10--14-29

Art. III. Drought Management, §§14-30--14-39

ARTICLE I. FIRE-RESCUE DEPARTMENT*

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

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

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

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

- (1) Standard operating guidelines for the system’s delivery of fire, rescue, emergency medical, and emergency management services;

- (2) System performance standards, such as minimum staffing and response goals;
- (3) A command structure which complies with federal and State incident management standards;
- (4) Minimum training, licensure, and reporting requirements for the welfare of response personnel and the delivery of high quality fire, rescue, emergency medical, and emergency management services;
- (5) Minimum personnel standards applied to all members shall include all standards promulgated by the Fire-Rescue Chief to maintain compliance with existing law or policy. At minimum, these shall include the standards promulgated by the Virginia Office of Emergency Medical Services as set forth in §12VAC5-31-910 of the Virginia Administrative Code. However, an existing member or potential member, who has been convicted of an offense which permanently bars certification by the Virginia Office of EMS, may be considered for participation under the following conditions:
 - a. A minimum of ten (10) years must have passed since the date of conviction;
 - b. In the case of a felony, the applicant's rights must have been restored by the Commonwealth of Virginia;
 - c. The applicant demonstrates clear and successful efforts to reform and productively contribute to society and their community.

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

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

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

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

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

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

G. The Chief shall, in cooperation with the Rockbridge Volunteer Emergency Officers Association, develop strategies for the recruitment and retention of the volunteer base within the Department.

(Secs. 4 (A), (B), (C), (D), (E), (F), (G) Amended by Ord. of 7-27-20, to be effective 9-1-20)

ARTICLE II. FEE FOR SERVICES

Sec. 14-12. Permit required; exceptions.

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

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

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

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

D. No permit shall be required for operation of a private ambulance or emergency medical services vehicle when used to render assistance at the request of the County, in the case of a major catastrophe or emergency with which the vehicles which have received a permit to operate in the County are insufficient or unable to cope.

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

2. This Ordinance shall be effective on and from the date of its adoption.

Adopted this 10th day of November, 2020.

Appointments:

Building Code Board of Appeals- Richard Siler- Term Expired

7/13/2020:

This appointment was carried over to the November 23rd Agenda.

Monthly Staff Reports:

Supervisor Lewis moved to accept the Monthly Staff Reports and thanked the departments. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

Board Comments:

Chairman Lyons reminded members of the Board that there would be a Joint Meeting of the Rockbridge County Board of Supervisors and the Rockbridge County School Board on Thursday, November 19th at 5:00 p.m. at

Maury River Middle School located at 600 Waddell Street in Lexington,
Virginia.

Adjournment:

On a motion by Supervisor Lewis, seconded by Supervisor Day, the
meeting was adjourned by unanimous vote.