

AT A WORK SESSION OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, NOVEMBER 23, 2020 AT 4:30 P.M.

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

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

Called to Order:

Chairman Lyons called the meeting to order and advised of the following announcement:

"While the room will be open to the public, due to the size of the meeting room and social distancing requirements, no more than 25 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 five, that do not have a precluding medical condition, are asked to wear a face covering."

Discussion on the Cigarette Tax:

County Administrator Spencer Suter provided the following overview from his posted Board report:

"At the Board's regular, May 26 meeting, County Attorney Vickie Huffman presented the Board with an update on the General Assembly's 2020 tax equalization bill. The bill provided an avenue for Counties to begin

assessing certain taxes (or increase certain tax rates) which had previously only been granted to Cities. The amendments included a cigarette tax.

The earliest such a tax could be effective would be July 1, 2021. Adoption would require an ordinance and public hearing. Over the past several months, we have conferred with other localities on options for County Boards to take should a cigarette tax be implemented. I also participated on a Virginia Department of Taxation commission and VACO committee studying this issue.

Should the Board wish to implement, there are several considerations:

- 1) Method of stamping / collection of the tax
 - a. Locally administered
 - b. Regionally administered (via creation of a regional authority)
 - c. Administered by the Commonwealth - Likely Department of Taxation
- 2) Method of enforcement - How to ensure compliance.
- 3) Coordination with the Cities of Buena Vista and Lexington with the idea that if implemented, it would be best to strive for regional parity.
- 4) The level of tax to be implemented.

Given that this tax has never been implemented locally, it is difficult to provide an estimate on the amount of revenue which would be generated locally. However, it is anticipated that the revenue could be substantial.

I have been in contact with other counties in the valley and currently, it appears that those which are studying implementation are leaning toward locally-administered programs. Most lean on their

Commissioner of Revenue to obtain and sell stamps to wholesalers and retailers, which would then apply the stamps to cigarette packs to be sold in the jurisdiction. Ms. Huffman and I have met with Commissioner of Revenue David Whitesell, who has provided input and feels that, with some additional study, his office could likely handle the task of stamp distribution.

Chairman Lyons shared his support of looking into all potential revenues for the County; however, did not want to set a rate so high that consumers travel to neighboring counties to make their purchase.

Supervisor Ayers asked if all tobacco products would eventually have the ability to be taxed like cigarettes.

Mr. Suter replied, there would need to be legislation passed.

Supervisor Ayers asked for the County's biggest cigarette retailer.

Mr. Suter noted that it is likely Raphine area.

Supervisor Ayers then noted that it would be easy for consumers to travel to neighboring localities to make their purchase given the Raphine area is on the County line.

Supervisor Lewis stated that the regional approach would solve that problem as neighboring localities would have the same rate. He asked the Commission of the Revenue if his department could take on the additional workload.

Mr. Whitesell replied, at this time, there should not be a problem.

Supervisor McDaniel asked who handled this tax in Augusta County.

Mr. Suter replied, Augusta County is contemplating handling the tax in-house, via their Commissioner of Revenue's office.

Supervisor McDaniel agreed that it would be beneficial to know what other localities are doing to prevent consumers from traveling outside the County to make purchases.

Supervisor Day asked Mr. Whitesell if he would need an additional staff member in his office to handle this if moving ahead.

Mr. Whitesell replied, not at this time.

Chairman Lyons suggested that the County work with neighboring municipalities throughout the Valley for a consistent regional approach.

County Attorney Vickie Huffman replied, there are no guarantees this tax would remain uniform throughout the Valley.

Review of the County's Draft FYs 2022-2026 CIP:

Fiscal Services Director Steven Bolster briefly reviewed the agenda item which included the following information:

"The Fiscal Services Department is teaming with other County departments to update the Capital Improvement Program (CIP) for FYs 2022-2026. The CIP serves as a planning tool that identifies needed capital projects, major equipment purchases, and coordinates the funding and the timing of the proposed improvements. For our purposes, capital projects and/or purchases are defined as facilities, equipment, or services that are valued at \$5,000 or greater with an expected life span of at least one year.

The annual update includes modifying, adding, or eliminating capital projects/purchases from our long-term planning efforts. The County's adopted FYE 2021-2025 CIP is available online using the following hyperlink:

During the past two months, staff has met twice to review the CIP worksheets in order to garner data we believe provides adequate information for each worksheet. In addition, the Finance Committee reviewed each worksheet on November 4th along with the long-term outlook for the County's planned capital budgeting. Currently the School Division and Rockbridge Regional Jail are developing their respective CIPs. As a result, the impact on the County capital budgeting is to be determined.

Included on BoardDocs are the latest updates on the FY 2022-2026 CIP summary report and worksheets. Our goal is to review the summary page, and if requested, each worksheet and take note of those projects needing additional information and/or potential modifications. The current CIP schedule includes bringing a potential update to the draft FYE 2022-2026 CIP to the Board at the regularly scheduled December 14, 2020 meeting and seeking provisional adoption of the CIP at the January 11, 2021 meeting."

Mr. Bolster reviewed the highlights of each CIP Worksheet provided in the summary document and answered questions.

Supervisor Ayers asked why the County would wait on replacing the X-ray machines at the Courthouse.

Mr. Bolster replied, that the Courthouse currently has two (2), imaging machines available to use and that the older machine would be replaced when it is no longer functional.

Mr. Suter commended Mr. Bolster for his work on the County's CIP.

Mr. Bolster then presented the School Divisions CIP.

Chairman Lyons asked what would happen when something in the School's CIP is listed as a safety issue, but does not get fixed until the following year or later.

Ms. Huffman replied, that point will need to be considered.

Chairman Lyons asked that this be communicated with the Schools. He requested they not use the term "safety issue" if it is not an immediate risk.

Supervisor McDaniel stated that uncertain projects, such as finding locations for the remote collection center sites, be moved further out and those project funds be set aside to assist with the FY2022 needs.

There being no further discussion, Chairman Lyons called for a break at 5:17 p.m. until the regular meeting at 5:30 p.m.

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, NOVEMBER 23, 2020 AT 5:30 P.M.

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

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the meeting to order and conducted a roll call of the Board members. Supervisors Lewis, Day, and Lyons attended in-person, while Supervisors Ayers and Day attended virtually.

Chairman Lyons offered an invocation for anyone who wished to participate and 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 25 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 five, 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.

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:

There were none.

Citizens Comments:

There were none.

Approval of the November 4, 2020 Board Retreat Minutes, and the November 10, 2020 Regular Meeting Minutes:

Supervisor McDaniel moved to approve the Minutes. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

Consideration of School Appropriation Resolution:

Fiscal Services Director Steven Bolster presented the resolution as shown, below.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, NOVEMBER 23, 2020 AT 5:30 P.M.

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

APPROPRIATION RESOLUTION

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

Carryover Grant

CTE STEM H 2020

4-50-61100-3160-390-300-156 Purchased Services..... \$2,339.00
Total **\$2,339.00**

CTE Equipment High Demand 2020

4-50-61100-6030-390-300-517 Materials & Supplies..... \$6,911.00
Total **\$6,911.00**

CTE Equipment 2020

4-50-61100-6030-390-300-158 Materials & Supplies..... \$8,903.00
Total **\$8,903.00**

CTE Certified Test 2020

4-50-61100-3160-390-300-159 Purchased Services..... \$8,565.00
Total **\$8,565.00**

CTE WRS 2020

4-50-61100-3160-390-300-160 Purchased Services..... \$1,444.00
Total **\$1,444.00**

Perkins 2020

4-50-61100-3161-390-300-911 Purchased Services..... \$1,300.00
Total **\$1,300.00**

TOTAL FUND 50 APPROPRIATIONS **\$29,492.00**

Consideration to Continue Pilot Program for Bicycles and E-Scooters:

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

“Dockless electric scooters and bicycles are new forms of urban transportation, similar to bike sharing, gaining momentum nationally in large urban areas. The leading bike and scooter share companies are now moving into smaller population markets, particularly areas with colleges and universities.

The distinguishing feature of these vehicles is that they do not require docking in a fixed station. Usage is enabled by a smartphone app.

When not in use, they are disabled and can be left anywhere the user ends the trip. When initiating a ride, users are directed to the nearest scooter by a smartphone app. The operator hires local contractors to collect, charge, and redeploy them overnight.

Many urban localities view these vehicles as an expansion of their public transportation network, if properly regulated. Implementation of regulations is a proactive means of welcoming new models of transportation within the marketplace, while creating policies to limit their potentially negative impacts.

During the 2019 General Assembly session, legislation was passed to allow localities to regulate, by Ordinance or by establishing a demonstration project or pilot program, the use of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles (collectively "Shared Mobility Devices") for hire. Va. Code §46.2-1315 provided that licensing may be required and such devices may be regulated, but may not be prohibited. In the 2020 legislative session, the deadlines for establishing regulations were extended.

Given that deployment of these Shared Mobility Devices can happen overnight, staff recommended that the County implement a Pilot Program to regulate such operations in the County should one or more of these businesses locate in this area. The data gathered under the Pilot Program would be used to evaluate the use and operation of the Shared Mobility Devices, and to later establish more permanent regulations to help mitigate possible or known negative impacts.

One complicating factor for counties is that the public rights-of-way are controlled by the Virginia Department of Transportation (VDOT). Under Title 46.2 - Motor Vehicles of the Code of Virginia, the Shared Mobility Devices are authorized on public roads and rules apply to operation in much the same manner as motor vehicles. However, to date, VDOT has not issued any policies for Dockless Mobility Sharing Systems, i.e. the handling of an e-scooter left on the side of Route 11 upon completion of a user's trip.

It is anticipated that the Pilot Program may require amendment from time to time, based upon experience. The County Administrator is given authority under the Policy to make adjustments as needed. The Pilot Program was initially scheduled to extend through December 31, 2020, with the option to the Board of extending for successive years if needed. With no existing businesses to produce data for evaluation of the Program, staff is recommending that the Pilot Permit Program be extended for another two years. The proposed Resolution, to extend the Pilot Permit Program through December 31, 2022, is attached for the Board's consideration."

Supervisor McDaniel moved to approve the resolution 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF
ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, NOVEMBER 23, 2020

RESOLUTION TO EXTEND, THROUGH DECEMBER 31, 2022, THE PILOT PERMIT PROGRAM FOR REGULATING THE OPERATION OF MOTORIZED SKATEBOARD OR SCOOTER, BICYCLE, AND ELECTRIC POWER-ASSISTED BICYCLE SHARING SYSTEMS FOR HIRE (aka “DOCKLESS MOBILITY SHARING SYSTEMS”), ORIGINALLY ADOPTED DECEMBER 9, 2019, IN THE COUNTY OF ROCKBRIDGE

WHEREAS, the purpose of this Pilot Permit Program is to establish fees and regulations to facilitate bicycle and e-scooter sharing companies to operate in the County; and

WHEREAS, the streets and roads in the County are under the purview of the Virginia Department of Transportation and operation of bicycles, electric power-assisted bicycles, and motorized skateboards and scooters are regulated under Title 46.2 – Motor Vehicles of the Code of Virginia; and,

WHEREAS, pursuant to Va. Code §46.2-1315, any locality may regulate, by ordinance or by action to establish a demonstration project or pilot program, the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation is consistent with the provisions of Title 46.2 of the Code of Virginia; and,

WHEREAS, by Resolution adopted by the Board of Supervisors on December 9, 2019, the Board established a Pilot Permit Program for regulating the operation of motorized skateboard or scooter, bicycle and electric power-assisted bicycle sharing systems for hire, effective January 1, 2020, through December 31, 2020, with reservation of the right to extend the pilot program for successive years; and,

WHEREAS, to date, no Dockless Mobility Sharing Systems have been permitted or deployed in the County and there is no data or safety information available at this time to evaluate the Pilot Permit Program; and,

WHEREAS, the Board of Supervisors has determined that it is necessary and appropriate to extend the term of the Pilot Permit Program through December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Rockbridge County hereby extends the following Pilot Permit Program to assess the viability of dockless mobility device operations within the County and to understand the parameters that will allow the devices to operate safely, effectively, and avoiding public nuisance:

**PILOT PERMIT PROGRAM FOR REGULATING THE OPERATION OF
MOTORIZED SKATEBOARD OR SCOOTER, BICYCLE, AND ELECTRIC
POWER-ASSISTED BICYCLE SHARING SYSTEM FOR HIRE
(aka “DOCKLESS MOBILITY SHARING SYSTEM”)**

I. Policy Statement and Purpose

The purpose of this policy is to establish rules and regulations governing the operation of a dockless motorized skateboard or scooter, bicycle and electric power-assisted bicycle sharing system within the County of Rockbridge (hereinafter referred to as “County” or “County of

Rockbridge”) and to ensure that such dockless mobility sharing systems are consistent with the safety and well-being of bicyclists, pedestrians, people with disabilities, and other users for the duration of the Pilot Permit Program.

The terms used herein shall be as defined in Title 46.2 of the Code of Virginia (1950, as amended), unless otherwise specifically provided herein.

II. Scope

This policy applies to any proposed deployment of motorized skateboard or scooter (herein sometimes referred to as “e-scooter”) , bicycle, or electric power-assisted bicycle (herein sometimes referred to as “electric bicycle”) sharing systems (to include direct rental or similar programs) within the County’s jurisdictional boundaries.

III. Zoning Permit Application Procedures

1. Any person seeking to operate a Dockless Mobility Sharing System within the County shall first obtain a permit from the Office of Community Development conditioned on compliance with the Operating Regulations contained in this policy and any other conditions (including insurance and indemnity) established by the issuing official. No person shall operate a Dockless Mobility Sharing System within the County except pursuant to such permit. The application for such Permit shall be submitted in conjunction with the operator’s application for a County business license.
2. All Permittees shall be required to comply with these regulations, including any changes or amendments authorized by the County Administrator from time to time during the course of the Pilot Permit Program. The Director of Community Development or designee may revoke any permit without prior notice for failure to comply with the regulations.
3. Any person whose permit application has been denied or whose permit has been revoked or terminated may file an appeal with the County Administrator by submitting a written statement to the County Administrator within 10 business days of the denial or revocation. The written statement shall describe the basis of the appellant’s objection. The County Administrator shall issue a final decision on the appeal within 10 business days of receipt of appellant’s written statement.
4. The Permittee will be required to obtain a business license and will be responsible for all applicable business license fees and taxes.
5. The Permittee shall submit, in its Permit application, a detailed delineation of its proposed service areas in the County, with specific proposed device deployment and usage boundaries. Except as may be permitted by the Virginia Department of Transportation within public rights-of-way, deployment shall be limited to properties within the following zoning districts under the Rockbridge County Land Development Regulations: (i) General Business District (B-1); and (ii) Planned Business District.
6. The following payments must be made in order for a Dockless Mobility Sharing System Permit application to be accepted and a permit issued:

- a. A non-refundable permit application fee of \$500, due at the time of application to cover the cost of staff time to review applications. No application will be considered complete before this payment is remitted.
- b. A non-refundable fee equivalent to \$1/day/device for the length of the Pilot Permit Program is due at the time of permit issuance, and payable monthly in advance, to support bicycle and pedestrian infrastructure countywide.

IV. Operating Regulations

A. Equipment Requirements

1. Any bicycles, electric power-assisted bicycles, and motorized skateboards and scooters shall meet all applicable federal and state safety standards, and shall meet all applicable standards as provided in Title 46.2 of the Code of Virginia (1950, as amended).
2. Each Electric Scooter or Skateboard, Bicycle, or Electric Power-assisted Bicycle shall be equipped with an on-board GPS device capable of providing real-time location data in accordance with the specifications described in the “Data Sharing Requirements” section of this policy.
3. All Electric Scooters/Bicycles must be equipped with devices that allow the Permittee by remote means to render an Electric Scooter and/or Bicycle inoperable if it has been reported to Permittee as being damaged or defective.
4. Additionally, the County reserves the right to terminate any permit issued under this Pilot Permit Program if the battery or motor on a device is determined by the County to be unsafe for public-use or for lack of compliance with other provisions of this policy.

B. Operations

1. Permittees shall have an initial maximum fleet of 50 bicycles, electric bicycles, or e-scooters, or any combination thereof. However, if the Permittee can demonstrate an average of at least four (4) trips per operational device per day over a full month, and compliance with this program’s requirements, the Permittee may request in writing to expand its fleet size by 25%, provided that Permittee shall remit payment of the fee of \$1/day/device for any increase in fleet size.
2. The Office of Community Development reserves the right to revoke a permit at any time during the Pilot Permit Program for non-compliance and can require that a Permittee’s fleet of bicycles or e-scooters be removed from the County within five (5) business days.
3. County may require Permittee to reduce its fleet size on a monthly basis in the event Permittee’s fleet provides on average less than one rider per device per day. County may request data from Permittee on a monthly basis to determine and demonstrate the utilization rate of devices in the Permittee fleet.

4. The total number of Permittees permitted to operate Dockless Mobility Sharing Systems within the County shall not exceed five (5) under this Pilot Permit Program.

C. Safe Riding and Parking

1. Devices shall be parked upright on hard surfaces in a manner that does not obstruct or impede the public right of way.
2. Permittee shall arrange for designated parking areas in the County, either with the Virginia Department of Transportation or with property owners in business zoning districts of the County, which shall be submitted with the application for a permit and approved under this program. Permittee shall apply geofencing specifications in accordance with the Permit to direct users to specified designated parking areas. Users shall not be allowed to sign out of their ride unless parked in an approved designated area. Any changes made subsequent to issuance of a Permit under this program shall be submitted to the County for supplemental approval.
3. Bicycles, electric bicycles, and e-scooters shall be parked in such a manner as to provide a 4-foot pedestrian clear zone area in any sidewalk.
4. Bicycles, electric bicycles, and e-scooters shall not be parked in such a manner as to impede or interfere with any fire hydrant, call box, or other emergency facility; bus bench or other public transportation stop; or utility pole or box; or the reasonable use of any commercial window display or access to or from any building.
5. Bicycles, electric bicycles and e-scooters shall not be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack, or in a manner as to block or impede view of signage, including road signs or business signage.
6. The County Administrator reserves the right to determine certain areas where bicycle, electric bicycle, or e-scooter parking is prohibited.
7. Bicycles, electric bicycles and e-scooters shall not be parked in the landscape/furniture zone adjacent to or within:
 - a. Public transportation zones;
 - b. Loading zones;
 - c. Disabled parking zone;
 - d. Street furniture that requires pedestrian access, such as benches or public transportation shelters;
 - e. Curb ramps;
 - f. Entryways; and
 - g. Driveways.
8. To the extent a Permittee desires to park bicycles, electric bicycles, or e-scooters in areas other than the public right-of-way with VDOT approval, the Permittee must first obtain the right to do so from the County Administrator and shall communicate this right to users through signage approved by the Office of

Community Development or through a mobile or web application. To park bicycles, electric bicycles, or e-scooters on private property, the Permittee must also obtain consent from the owner of the property or his agent. The County is not responsible for any fees or conditions imposed by private property owners on Permittees' use of such spaces.

9. Permittee shall stop placing scooters or allowing contractors to place scooters and/or bicycles in front of any address provided by the County within 48 hours of notice.
10. During deployment and rebalancing, employees and contractors of the Permittee shall obey all County Permit Program Regulations and shall not block traffic lanes, parking lanes, and public transportation lanes without receiving prior permit approval. Permittee shall abide by all County Street and Sidewalk Closure requirements and standards.
11. Permittees shall work with local businesses or other organizations to promote the use of bicycle helmets by system users through partnerships, promotional credits, and other incentives.
12. Permittees shall provide notice to all users by means of signage and through a mobile or web application that:
 - a. Bicyclists and e-scooters must not ride on sidewalks or trails and must yield to pedestrians at crosswalks; and
 - b. Helmets are strongly encouraged for all users and required for minors 14 and under. If Permittees prohibit use of bicycles, electric bicycles or e-scooters by certain minors, Permittees shall provide conspicuous notice of this policy to users;
 - c. Bicycles, electric bicycles, and e-scooters shall ride on streets and roads, and where available, in bike lanes;
 - d. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths;
 - e. Parking must be done in designated areas;
 - f. Wearing headphones on or in both ears while riding a bicycle, electric bicycle or e-scooter is prohibited;
 - g. Texting while riding a bicycle, electric bicycle, or e-scooter is prohibited; and
 - h. Riding a bicycle, electric bicycle, or e-scooter under the influence of alcohol is prohibited.
15. Permittee shall require riders to submit a photo whenever they park their bicycle, electric bicycle, or e-scooter at the end of a ride.
16. Permittee shall provide education on the County's existing rules and regulations, safe and courteous riding, and proper parking.

D. Customer Service

1. Permittee shall provide easily visible contact information, including a toll-free phone number and e-mail address on each bicycle or electric scooter for County

employees and/or members of the public to make relocation requests or to report other issues with devices.

2. Permittees shall maintain a local Permittee representative and provide a direct point of contact to the County and its residents.
3. Permittees shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every device that is in service in the County.
4. Upon notification by the County or a member of the public, any scooter and/or bike belonging to a Dockless Mobility Sharing System Operator that is improperly parked, left standing, or unattended under the jurisdiction of the County, the Dockless Mobility Sharing System Operator shall remove the scooter and/or bicycle within two hours.
5. In the event a bicycle or e-scooter is not relocated, re-parked, or removed within the timeframes specified herein, such devices may be removed by the County or its designee and taken to a facility for storage at the expense of the Permittee. Permittee shall be required to pay a fine for each device that is removed by the County, in addition to any storage expenses. The amount of the fine shall be set by the Director of Community Development and shall be contained in the permit.
6. Customers using devices that are permitted under this program must be provided with a mechanism to notify the Permittee that there is a safety or maintenance issue with the device.
7. In the event a safety or maintenance issue is reported for a specific device, that device shall immediately be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.

E. User Protections

1. Permittee must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).
2. Permittee must provide a Privacy Policy that safeguards customers' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data. Permittee agrees to make its policies, procedures and practices regarding data security available to the County, upon request, and further agrees that the County reserves the right to hire a third party to perform a security audit mid-way through the permit term, or at any time the County determines that an audit is warranted.

F. Data Sharing

1. Without prejudice to the Permittee's rights and interest to its commercially privileged and sensitive information, Permittee shall provide the County the following data in a Monthly Report by the 15th of each month for the previous month's activity:

- a. Total active customers who reside in the County with a breakdown of customers by gender and age
 - b. Total active customers
 - c. Trips starting and trips ending, separately, in the County during the month, and trips starting and trips ending in the County since launch (raw trip data)
 - d. Average trip duration in minutes
 - e. Average and total distance of trips (if this is calculable from provided raw trip data, no need to provide separately)
 - f. Total number of devices in service in the County (daily)
 - g. GPS tracking data for every trip route starting, ending, or passing through the County (especially to understand the equity implications of coverage of these services.)
 - h. Crashes – giving time, date, precise location, and number of parties impacted (if known) within the County
 - i. Injuries – giving time, date, precise location, and cause (if known) within the County
 - j. Number and precise location of device that had to be towed after seven (7) consecutive days in one location within the County
 - k. Complaints received within the County – giving the reason with date and location, if available/appropriate
 - i. Incorrectly parked reports – giving time, date, and precise location
 - ii. Speeding reports
 - iii. Maintenance related issues
 - iv. Other complaints
 - v. Other feedback received – by date, time, and precise location, if applicable
2. The County may, at its option, require Permittees to distribute a customer survey at the end of the Pilot Permit Program period.

V. Insurance

By signing and submitting a permit application, the Permittee certifies that it will purchase and maintain, at its sole expense, from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits, protecting from claims which may arise out of or result from the Permittee's performance or non-performance of services under the permit, or the performance or non-performance of services under the permit by anyone directly or indirectly employed by the Permittee or for whose acts it may be liable:

1. Workers' Compensation - Statutory requirements and benefits, specifically listing Virginia as a covered state.
2. Employer's Liability - \$100,000. This policy shall specifically list Virginia as a covered state.
3. Commercial General Liability - \$1,000,000 per occurrence; \$2,000,000 aggregate, if any. Commercial General Liability is to include bodily injury and property damage, personal injury, advertising injury, contractual liability, and products and completed operations coverage.

4. Automobile Liability - \$1,000,000 per occurrence; \$2,000,000 aggregate, if any.
5. Cyber Liability/ Information Technology - \$1,000,000 per claim, including coverage for costs of 3rd party notification, credit monitoring, and fraud protection.
6. All insurance coverage:
 - a. shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and rated A – VIII or better, by A. M. Best Company or equivalent rating from an alternate recognized ratings agency, and otherwise acceptable to the County;
 - b. shall be kept in force throughout performance of services;
 - c. shall be an occurrence based policy;
 - d. shall include completed operations coverage;
 - e. shall contain a cross liability or severability of interest clause or endorsement. Insurance covering the specified additional insured shall be primary and non-contributory, and all other insurance carried by the additional insureds shall be excess insurance;

Proof Of Insurance: Prior to performance of any services, the Permittee shall (i) have all required insurance coverage in effect; (ii) the Permittee shall deliver to the County certificates of insurance for all lines of coverage, or other evidence satisfactory to the County in its sole discretion. The Permittee shall be responsible that such coverage evidenced thereby shall not be substantially modified or canceled without 30 days prior written notice to the County; and (iv) upon the request of the County, provide any other documentation satisfactory to the County in its sole discretion, evidencing the required insurance coverage, including but not limited to a copy of the insurance policy and evidence of payment of policy premiums. The Permittee shall require each of its subcontractors and suppliers to have coverage per the requirements herein in effect, prior to the performance of any services by such subcontractors and suppliers. Further, the Permittee shall ensure that all Required Insurance coverages of its subcontractors and suppliers is and remains in effect during performance of their services and certifies by commencement of operations that this insurance and that of subcontractors is in effect and meets the requirements set forth herein. The County shall have no responsibility to verify compliance by the Permittee or its subcontractors and suppliers.

Effect Of Insurance: Compliance with insurance requirements shall not relieve the Permittee of any responsibility to indemnify the County for any liability to the County, as specified in any other provision of this policy, and the County shall be entitled to pursue any remedy in law or equity if the Permittee fails to comply with the provisions of this policy. Indemnity obligations shall not be negated or reduced by virtue of any insurance carrier's denial of insurance coverage for the occurrence or event which is the subject matter of the claim, or by any insurance carrier's refusal to defend any named insured. Permittee explicitly acknowledges and understands that it assumes the risk of deploying its dockless mobility devices in the County and that the County will not, under any circumstances, be responsible for any damages to such devices.

Waiver Of Subrogation: The Permittee agrees to release and discharge the County of and from all liability to the Permittee, and to anyone claiming by, through or under the Permittee, by subrogation or otherwise, on account of any loss or damage to tools, machinery, equipment or other property, however caused.

Sovereign Immunity: Nothing contained within this policy shall effect, or shall be deemed to effect, a waiver of the County's sovereign immunity.

Right to Revise or Reject: The County reserves the right, but not the obligation, to revise any insurance requirement not limited to limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the County reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.

VI. Effective Dates

This policy, originally effective from January 1, 2020, through December 31, 2020, shall continue in effect for an additional two (2) years, from January 1, 2021, through December 31, 2022. During the time the Pilot Permit Program is in effect, the County Administrator, upon recommendation of the Office of Community Development, may amend the program regulations from time to time to ensure that participants are meeting program goals. Any changes or amendments to program regulations shall go into effect immediately. The County shall notify Permittees of any such changes or amendments as soon as practicable.

The County reserves the right to terminate the Pilot Permit Program prior to December 31, 2022, or to extend the Pilot Permit Program for successive years. The County may adopt an Ordinance to provide for local code regulation of Dockless Mobility Sharing Systems, at such time as the County deems appropriate.

This Resolution shall be effective upon the date of its adoption.

Adopted this 23rd day of November, 2020.

Consideration of a Resolution Approving an HVAC Contract at the 911

Center:

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. Two proposals were received and reviewed by a team consisting of Fire-

Rescue Chief Nathan Ramsey, 911 Center Executive Director Curt Berry, and 911 Center Radio Technician Dave Wheeler.

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.

At its regular meeting on September 28th, the Board approved the recommended ranking and authorized staff to enter into negotiations. We have subsequently negotiated a draft contract with Riddleberger Brothers, Inc. The contract includes the installation of one outdoor HVAC unit and two evaporator units with cooling capabilities in the technician and the records secretary offices. Cost for this upgrade is \$10,952.00. Given the lead time required to deliver and install the HVAC units, staff is recommending we extended the project's final completion date to January 29, 2021.

The contract also includes a preventative maintenance and service agreement, for the facility's entire HVAC system. The cost of the initial, two-year term would be \$2,868 per year, with two additional, optional two-year extensions available. Cost escalation will not exceed 3% for each two-year extension should the County select to continue with Riddleberger Brothers, Inc."

Supervisor McDaniel 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: McDaniel, Day, 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,
NOVEMBER 23, 2020

Resolution to Authorize and Approve a Service Agreement with Riddleberger Brothers, Inc. for the Installation of Selected HVAC Units, and for On-going Preventative Maintenance and Services for the Entire Heating and Cooling System, for the Rockbridge Public Safety Center

WHEREAS, on August 14, 2020, Rockbridge County issued a Request for Proposals for the installation of HVAC units and the establishment of a maintenance service contract for the Rockbridge Public Safety Center, encompassing the County Fire-Rescue Department and the Rockbridge Regional Public Safety Communications Center; and,

WHEREAS, the review team members reviewed and ranked the proposals, with a recommendation to the Board to authorize negotiation of a contract with Riddleberger Brothers, Inc.; and,

WHEREAS, on September 28, 2020, the Board of Supervisors approved Riddleberger Brothers, Inc., as the first-ranked proposer and authorized staff to negotiate a contract for the required services; and,

WHEREAS, the Service Agreement providing for Installation Services and Maintenance Services, with Attachments, has been presented to the Board of Supervisors for approval.

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

1. That the Services Agreement, with an effective date of December 1, 2020, between the County of Rockbridge and Riddleberger Brothers, Inc., as the Contractor, for Installation Services that includes the placement of one outdoor HVAC unit and two evaporator units with cooling capabilities in the technician's office and the records secretary's office at the Rockbridge Regional Public Safety

Communication Center for the contract price of \$10,952.00, and for Maintenance Services that include preventive maintenance to the entire heating and cooling systems in the Fire-Rescue Administration/911 Center building for a contract price of \$2,868.00 per year for the first two (2) year term, renewable for two (2) additional two (2) year terms, with price escalation not to exceed three percent (3%) of the preceding term, is hereby authorized and approved.

2. That the County Administrator is hereby authorized to execute the Service Agreement and such other documents, and to take such further actions, on behalf of the Rockbridge County Board of Supervisors, as are necessary to accomplish this transaction, all of which shall be subject to approval as to form by the County Attorney.

3. That this Resolution shall be effective upon the date of its adoption.

Adopted this 23rd day of November, 2020.

Consideration of Employee Compensation:

Mr. Suter briefly reviewed the following information:

"As you know, like many Virginia localities, the Board approved a one time, \$2,000 hazard-pay bonus for front line public safety staff including F&R, uniform staff, and Sheriff's deputies. We also coordinated administratively with Lexington and Buena Vista to provide a \$500 bonus for uniformed jail staff. Recently, a number of Virginia localities have extended bonuses to non-public safety staff as well. This month, Lexington approved bonuses in the amount of \$1,000 for their full-time non-public safety staff, \$2,000 for FT public safety staff and up to \$800 for PT staff.

Since Lexington is the fiscal agent for the Regional 911 Center, of the question was raised as to whether the 911 Board would extend the bonus

to the ECC staff. This topic came up at last Thursday's 911 Board meeting. I indicated that before I could consider, I needed to consult you, my Board, for two reasons: First, the County's share of the \$19,000 cost would be approximately \$11,500 based on the formula. Second, this action could tend to set precedent and beg the question as to whether the Board would wish to consider bonuses for any other groups of County employees.

There are two more recent updates to share:

- The governor has approved a \$500 bonus for sheriff's deputies and correctional center staff.
- Today, we learned that that the state electoral board has approved a one-time 10% bonus for registrars and their staff.

We have calculated the approximate cost for providing a similar bonus for County staff including constitutional officers. The total cost for a \$1,000 bonus for full time employees, \$500 for part time employees, and \$250 for seasonal staff who worked through the summer months would be a little under \$80,000.

- Hazard Bonuses approved so far include:

- o F&R staff - \$2,000 per FT uniformed staff member - \$30,000
- o Sheriff's Office - \$2,000 per sworn deputy - \$70,000

Jail - \$500 per sworn officer - The County's share was \$12,950 In addition to Emergency Communications Center staff, additional considerations would be other regional entities such as Department of Social Services and the Blue Ridge Resource Authority. We would also want

to ensure that the partner localities would contribute a share. A total additional funding would be in the neighborhood of \$118,000.

The questions for this evening are whether the Board would like to consider staff bonuses. If so, to which groups and at what level. Any funding would need to come from the general fund. Finally, you need to determine if this is dependent on the Cities of Buena Vista and Lexington contributing their cost shares. If they are not, an option could be to simply contribute the County's share for a reduced benefit."

Supervisor Lewis noted that not all Constitutional Officers are funded by the Compensation Board and asked if the numbers being presented represent a bonus for all employees regardless if they are Compensation Board paid positions or not and if Compensation Board is contributing to the bonuses.

Mr. Suter replied, the State is not contributing to the bonus under discussion.

Supervisor Lewis asked if Constitutional Officers were going to use any of their money provided by the Compensation Board to assist with the bonuses.

Mr. Suter replied that the Sheriff's Department used some of its additional funding from the Compensation Board for bonuses. He shared that he looked into what others localities throughout the valley were doing to compare options.

Supervisor Lewis asked for clarification that none of the requests being presented at this time are public safety positions funded by the

CARES Act and therefore any bonuses would come from the County's General Fund.

Mr. Suter replied, that is correct.

Supervisor McDaniel shared his concern about using taxpayer dollars to fund bonuses during unprecedented times when some of those taxpayers lost their jobs because of COVID. He added that the positions being considered to receive these bonuses were able to keep their paychecks during COVID and stated that he could not support these bonuses across the board.

Supervisor Ayers agreed with Supervisor McDaniel's comment and added that the impact of COVID for next year is still unknown and she did not feel comfortable putting even more burden on taxpayers. She shared her sincere appreciation to those who were willing to risk their own health to provide service to the community during the pandemic and felt that the Board needed to wait until the impact known before making a decision in this matter.

Chairman Lyons added that there is no deadline on when to give bonuses, should the Board decide to do so, because the bonuses are not being supported by CARES Act monies.

Supervisor Ayers shared that the County could be impacted by the Cities giving their staff the bonuses because the County receives funding request to support those departments.

The Board unanimously agreed to hold off on any consideration of bonuses until later in the fiscal year.

Chairman Lyons noted that there haven't yet been any requests, from the school division.

Supervisor McDaniel shared that there are roughly 450 employees that could be looking at these raises, also.

Appointments:

Building Code Board of Appeals- Richard Siler- Term Expired

7/13/2020:

This appointment was carried over to the December 14, 2020 agenda.

Community Services Board- Steve Funkhouser, Malcolm Brownlee, and

Bruce Sigler- Terms Expire 12/31/2020:

These appointments were carried over to the December 14, 2020 agenda.

Board Comments:

Supervisor McDaniel advised that, during the meeting, Rockbridge County Public Schools made an announcement that, beginning Monday, November 30th, public schools would pivot to 100% virtual learning.

Chairman Lyons announced that, in observance of Thanksgiving, the Rockbridge County Administrative Office Building will be closing at noon on November 25th; closed November 26th; and closed November 27th.

Adjournment:

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