

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, APRIL 12, 2021 AT 5:30 P.M.

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

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

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CALLED TO ORDER:

Chairman Lyons called the meeting to order at 5:30 p.m. 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 30 attendees other than County staff 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."

Administrative Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members. Supervisors Lewis, Day, Ayers, McDaniel, and Lyons all attended in-person.

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:

"We will hold public 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:**

Chairman Lyons called for changes to the Agenda.

County Administrator Spencer Suter requested that the item pertaining to VDOT and Route 703 be moved to the first under General Items.

**Recognitions and Presentations:**

There were none.

## **Citizens Comments:**

Chairman Lyons reviewed the following guidelines:

1. "Sign up to speak on the Citizens Comments Sign Up Sheet.
2. Once your name is called, address the Board from the podium by clearly stating your name and magisterial district.
3. This is an opportunity for citizens to provide comments. Please do not expect the Board to respond to your questions or engage in a dialogue. If you have questions, please ensure that you have entered your contact information on the Citizen Comment Sign Up Sheet and staff will do their best to respond to your questions as soon as possible.
4. Citizens are respectfully requested to keep comments brief, not to speak for more than three (3) minutes.
5. The same rules apply for those attending virtually. Once your name is called, please state your full name, magisterial district, and contact information for the record."

He then advised that there would be a timer at the podium that would change from green to yellow when there is 30 seconds remaining and turn red and beep when the three (3) minutes has ended.

Chairman Lyons called for citizens' comments.

Mark Reed of the City of Lexington repeated the following statement for his three (3) minutes: "Putting DSS within a three (3) mile radius of

64 and 81 is foolish and dangerous. Our most vulnerable citizens are running out of time.”

Anne Russek of the Buffalo Magisterial District shared her concern about parents dropping their children out of public schools and wondered if the parents were concerned about what their child is learning in public schools.

**Approval of the March 18, 2021 Joint Meeting Minutes and the March 22, 2021 Work Session and Regular Meeting Minutes:**

Supervisor Lewis moved to approve the minutes as presented.

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

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

**Consideration of the County Financial Package:**

Fiscal Services Director Steven Bolster reviewed his monthly memorandum that included monthly activities for the Commissioner of the Revenue's department and the Treasurers department. *Later in the meeting, the County Treasurer advised Mr. Bolster of plans to send County Decal notices in the mail the following business day (April 13<sup>th</sup>).* Mr. Bolster provided a financial update including a short list of invoices paid after the March 8<sup>th</sup> meeting. He then presented the County's Appropriation Resolution and recommended approval.

Supervisor Lewis inquired about the Fiscal Services line item for auditing expenses.

Mr. Bolster explained that this line item was only for the County's audit.

Supervisor Lewis moved to adopt 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, McDaniel, 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, APRIL 12, 2021 AT 5:30 P.M.

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

APPROPRIATION RESOLUTION

**GENERAL FUND:**

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

4-11-32021-3002 Contracted Services.....	\$958.00
4-11-32021-5101 Electricity.....	\$282.00
4-11-32021-5104 Heating.....	\$33.00
4-11-32021-5900 Lease of Property.....	\$6,694.00
4-11-99010-6501 Transfer to School Fund (Ops).....	<u>\$50,300.00</u>
<b>Total General Fund Appropriations</b>	<b>\$58,267.00</b>

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**Current County**

11 - General Fund	\$795,446.18
94 - Central Stores	\$8,273.12
202 - COVID-19 Response Fund	\$4,489.09
372 - Construction Project Fund	\$2,238.67
376 - Capital Purchases Fund	<u>\$155,637.49</u>
<b>Total County Bills</b>	<b>\$966,084.55</b>
<b>Current Fiscal Agent</b>	
80 - Regional Jail Fund	<u>\$230,639.38</u>
<b>Total Fiscal Agent</b>	<b>\$230,639.38</b>
<b>TOTAL ALL BILLS</b>	<b>\$1,196,723.93</b>

**VDOT Request to Abandon and Add Sections of Route 703:**

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

"VDOT is in the process of addressing older route relocation changes that should have occurred upon completion of a construction project. Route 631 - Old Buena Vista Road was reconstructed with a new alignment in the 1980's but the relocation of the route was not processed. VDOT is requesting that the old roadbed on two sections of Rt 703 (Stuartsburg Road and Forest Grove Road) be abandoned in the vicinity of its intersection with Rt 631, Old Buena Vista Road, and the new roadbed added into the secondary system so that it appears accurately on VDOT's mapping database system. To complete this process, a resolution from the locality is required." She then introduced VDOT Resident Engineer Alvin Trout who was present electronically for questions.

Supervisor McDaniel moved to adopt 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, APRIL 12, 2021

**§33.2-705 & §33.2-912 - Addition to Secondary Route &  
Abandonment with Replacement Road**

**RESOLUTION**

WHEREAS, a portion of Route 703 has been realigned and a new segment constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the certain segments of Route 703 identified on the project sketch and VDOT Form AM 4.3, which is attached and incorporated herein as part of this resolution, is being utilized for its intended purpose, and being maintained by the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the Rockbridge County Board of Supervisors, this the 12<sup>th</sup> day of April, 2021, that the old segments of Route 703, identified on the attached Form AM 4.3, is no longer needed as part of the Secondary System of State Highways as the new road serves the same citizens as the old road and is hereby requested to be abandoned by the Virginia Department of Transportation pursuant to §33.2-912, *Code of Virginia*, 1950 amended.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the new segments identified on the attached Form AM 4.3 as part of the Secondary System of State Highways, pursuant to §33.2-705, *Code of Virginia*, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED, a copy of this resolution be forwarded to the Virginia Department of Transportation.

Adopted this 12<sup>th</sup> day of April, 2021.

**VMI Update:**

Mr. Suter introduced Colonel Dale Brown who was present electronically.

Colonel Brown provided a presentation detailing the following ongoing projects:

- Scott-Shipp Hall Renovation: Project Budget \$43,275,000
- Chessie Trail Nature Bridge at South River: Project Budget \$2,078,453
- Construct Lackey Park Parking: Project Budget \$3,500,000
- CPTF PH 3(Aquatic Center): Project Budget \$44,188,000
- Renovate 412 Parade (Superintendent's Quarters): Project Budget \$2,000,000
- Post-wide Safety and Security: Project Budget \$10,000,000
- Renovate and Expand Engineering Laboratory Facilities: Project Budget \$51,146,000
- Center for Leadership and Ethics, Phase 2 (Leadership Development Facility): Project Budget \$2,101,338

Chairman Lyons commended Colonel Brown for his presentation and the opportunity to work with VMI.

**Consideration of Reassessment RFP Ranking:**

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

"On February 8, 2021, the Board of Supervisors authorized the issuance of a Request for Proposal (RFP) to procure the services of a qualified firm to provide all labor, equipment, materials, and insurance to complete the General Reassessment of Real Property in Rockbridge County.

The County advertised RFP # 2021-02-002 from February 12, 2021 through March 12, 2021. Advertisement efforts included local print, the County website, and the Virginia eProcurement Portal (eVA). Four firms submitted proposals by 2:00 PM EST on Friday, March 12th in accordance with the RFP specifications.

The evaluation committee members (Lyons, Suter, Bolster, D. Whitesell, & Tomlin) executed a preliminary ranking for each proposal using the criteria stated in the RFP. Based on the initial criteria scoring, the committee determined to interview the top 3 proposers. The committee completed firm interviews on Monday, April 5th. The committee then finished a final ranking on these three companies.

The chart below reflects the final ranking resulting from the evaluation process:

<b>FIRM</b>	<b>SCORE</b>	<b>RANKING</b>
Wingate Appraisal Service	95.10	1
Wampler-Eanes Appraisal Group	85.20	2
Pearson's Appraisal Service	81.78	3

Receive the staff report, discuss as necessary, and consider accepting the evaluation committee's final ranking of the interviewed proposers. Staff is also asking the Board to authorize the County

Administrator to enter into negotiations based on the final ranking of received proposals and, if negotiations are successful, return to the Board with a contract for consideration of approval.”

Supervisor Ayers moved to accept staff’s recommendation. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

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

#### **Consideration of the Kerrs Creek Community Market Outdoor Event**

##### **Application:**

Director of Community Development Chris Slaydon briefly reviewed the agenda item which included the following information:

“Mr. Steve Hart has submitted an application for Outdoor Events to hold a Farmers Market per Chapter Four (Amusement and Entertainment) Section 5 (Farmer’s Market Market) of the Rockbridge County Code. This will be the second year of the Kerrs Creek Community Market. The property is located at 2766 W Midland Trail Lexington, Virginia 24450 and is further identified as tax map number 47-A-54 (88.80 acres) per tax records.” He then introduced the applicant Steve Hart who was present electronically to answer questions.

Supervisor Lewis moved to approve the event application. 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

**Cigarette Tax Discussion:**

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

"On January 11, the Board received and discussed an update on the potential to implement a cigarette tax. To recap, 2020 General Assembly legislation provided an avenue for counties to begin assessing certain taxes (or increase certain tax rates) which had previously only been granted to cities. Since July, counties across the state have been considering implementation of a tax up to the cap of \$0.40 per pack. The earliest a tax could be implemented is July 1, 2021.

After discussion, the Board determined to:

- Consider setting a rate of \$0.30 per pack, which would be consistent with a rate being considered by others in the region, including Lexington, Buena Vista and Augusta County.
- Consider an implementation date of no earlier than six months after adoption
- Move ahead individually as a locality, rather than join a regional board with other localities.

After discussion, the Board directed staff to return to the next meeting with an ordinance for consideration. Subsequently, legislation

(SB1326) was introduced in the General Assembly which would require that any localities implementing a cigarette tax form a regional cigarette tax board of no fewer than 10 localities. After some internal discussion, it was determined not to bring this topic back to the Board until the bill had been resolved in the General Assembly and the result signed by the Governor. The bill was then amended to encourage, but not require, that localities form a regional board. Regionally, our position remains the same, that localities would prefer to act individually. Given the bill has been passed and signed, we are returning to the Board with an ordinance for consideration.

To recap the process, the County would need to procure the services of a stamp producer to design and produce stamps. Commissioner of Revenue David Whitesell's office would then be in charge of selling the stamps or imprints to wholesalers or retailers for application to the packs of cigarettes. Sheriff Funkhouser has agreed to periodically have deputies visit retailers to ensure compliance.

Also, we have received communication from the Virginia Wholesalers and Distributers Association (VWDA) and the National Association of Tobacco Outlets (NATO) opposing implementation of a cigarette tax. If and when the Board considers an Ordinance for public hearing, we will include their comments.

If in agreement, direct staff to advertise the attached ordinance for public hearing on April 26<sup>th</sup>."

Chairman Lyons inquired about the surrounding localities and what they had decided to do, specifically the Cities of Buena Vista and Lexington. He noted that some local businesses in the County wanted to be sure that the surrounding localities were also taxing if they were going to.

Mr. Suter explained that some of the surrounding localities were moving ahead while others were still in the discussion phase. He advised that per discussion with Managers of both the City of Lexington and Buena Vista, who were in agreement to move ahead with recommendation to their Councils at the \$0.30 rate.

Supervisor Ayers inquired as to whether or not the Cities of Buena Vista and Lexington must pass the tax in order for the County to do so.

Mr. Suter stated that under the code, the County adopt whether or not the Cities opted to do so.

Supervisor McDaniel shared his support in having the public hearing but would need to know what was happening in neighboring jurisdictions such as Botetourt County before he would be ready to make a decision on the tax. Mr. Suter noted that he was not sure if Botetourt had further considered but that Augusta County was considering at \$0.30 rate, as is currently assessed in Staunton and Waynesboro.

Supervisor Lewis moved to approve advertising a public hearing for April 26, 2021. 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

**Vacation of Street/Alley on Locher Property:**

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

"On March 8<sup>th</sup>, the Board adopted a Resolution to authorize exercising an option to purchase Lots 5 thru 32, in Block 66, and Lots 11, 13, 15, 17, 19, 21, 23, 25, 27, 29 and 31 in Block 49, as shown on the 'Map of Glasgow', recorded in the Clerk's Office of the Circuit Court of Rockbridge County in Deed Book 58, page 1 and 2.

In order for the County to use the site as planned, it is also necessary to vacate and close the section of alley that lies between the lots in Block 66, and the section of street lying between Block 66 and Block 49. The subject portions of alley and street are unused and unimproved.

Vacation of a portion of a plat requires adoption of an Ordinance following a public hearing under §15.2-2272 of the Code of Virginia. A proposed Ordinance is attached for the Board's consideration.

If acceptable to the Board, take action to schedule this matter for public hearing on April 26, 2021."

Supervisor McDaniel moved to approve advertising a public hearing for April 26, 2021. 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 Ayers moved to accept the monthly staff reports as presented. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

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

**Board Comments:**

Chairman Lyons reminded the Board that the public hearing on the Budget was scheduled for Monday, April 19, 2021 at 6:00 p.m. in the Board of Supervisors Meeting Room.

Supervisor Ayers provided a tourism update sharing information about its sponsorship initiative that would allocate funds to support local events. She also provided a RARO updated, sharing information pertaining to the hiring of a new Director. She requested support from the Board to allow current members on the RARO Board whose terms will expire in the Summer to continue serving until after a new Director is hired.

**Adjournment:**

Supervisor McDaniel moved to adjourn at 6:37 p.m. 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