

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, APRIL 26, 2021 AT 4:30 P.M.

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

CALLED TO ORDER:

Chairman Lyons called the meeting to order at: 4:30 p.m.

Chairman Lyons 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.

Review of VDOT 6-Year Plan:

County Administrator Spencer Suter reviewed the following information:

"As you may recall, VDOT annually presents the County's state secondary six-year plan to the Board. The plan is reviewed and the Board has opportunity to provide input on any updates they wish to see. We do this first in a work session after which the plan is advertised for public hearing at a future meeting. After the public hearing, the Board has opportunity to further adjust the plan based on public comment. The current plan of action is to set public hearing for the Board's regular May 24 meeting. Traditionally, the Board does not take official action in a work session, so there it a spot on the regular agenda later this evening to set public hearing, should the Board be prepared to do so.

VDOT's Lexington Residency Administrator Susan Hammond is in attendance via Zoom, and Alvin Trout, to go over the draft

plan with you. As you'll see, the plan has been ported to a new format this year."

Ms. Hammond explained that there were only two (2) funding sources for the 6-Year Plan and projects on the plan were solely for the secondary system. She further explained that the secondary system only included route numbers greater than 600 and did not include primary roads or the interstates. She added that funds were solely to be used for construction projects, and not maintenance. Ms. Hammond advised that construction projects were limited as a result of what was affordable; therefore VDOT focused on rural rustic projects. She then advised of the first funding source, Tele Fees, and explained that these fees were collected annually for telecommunication, where providers' lines run through the VDOT right-of-way. She advised that it is required by code for those fees to go back into the community where they were collected. She then explained that the second funding source was the District Grant-Unpaved Funds. She advised that those funds could only be used on unpaved roads which would need to meet a traffic volume threshold of 50 vehicles per day.

Chairman Lyons asked how roads were chosen for the plan and if members of the community have a say so in what is added. He

advised that he had receive calls from residents of Fredericksburg Road who would like the road left as it is.

Ms. Hammond shared that there are multiple ways for projects to be added to the plan, including requests by the Board of Supervisors or requests by members of the public, or they are added following a maintenance project.

Chairman Lyons asked how members of the public could oppose a project listed on the plan.

Ms. Hammond advised that she would like to talk with those who want to see a project removed from the plan to discuss why it was on the plan as some believe VDOT would need additional right-of-ways from property owners and that is not the case.

Supervisor Ayers asked for the scope of work for Jacobs Ladder. She noted that she had received complaints from members of the public regarding the dust.

Ms. Hammond shared that she initially looked into improving sight distance in one of the curves and the challenge was how narrow it was along the pond. She stated that the current surface would receive a "prime and double seal" which will address the dust issues.

Supervisor Ayers asked if speed strips were being added to the center line of Route 251.

Ms. Hammond replied, rumble strips were added to the center line as part of a state-wide program. She advised that those strips would be added to primary routes to prevent head-on-collisions.

Supervisor McDaniel asked how a project qualifies to be added to the plan.

Ms. Hammond replied that there are certain criteria that are used to determine if a project qualifies. She noted that one of those criteria is a traffic volume of 50 vehicles per day to get a good, public benefit from expending funds on the project. Another criteria, she noted, was to look at the linear distance and the cost estimate of the project.

Supervisor McDaniel asked how the budget amount is formulated and asked if it was a state calculation.

Ms. Hammond replied, yes.

Supervisor McDaniel asked if it was based on population.

Ms. Hammond stated that it was based off of lane miles of unpaved road way surface.

Supervisor McDaniel asked for a description of what the "reconstruction without added capacity" stood for.

Ms. Hammond replied, added capacity meant an additional lane.

Supervisor McDaniel asked how narrow roadways and roadways without a shoulder are addressed.

Ms. Hammond replied that it would depend on the extent of the issue. She stated that some of the options included applying for a Smart Scale Project or looking at revenue sharing between the County and VDOT.

Supervisor McDaniel inquired about how primary roads are determined and how they are maintained.

Ms. Hammond replied that the maintenance still falls on VDOT. She added that anyone with a concern could contact her, could call the 1-800 number, or could share their concern on VDOTs website.

In regard to Fredericksburg Road, Supervisor Lewis advised that he had been contacted by residents of the Kerrs Creek District, some in favor of the pavement project and some not, and he advised that they would need to reach out to Chairman Lyons who represented that district.

Chairman Lyons agreed that he too had received calls from some who favor the project and some who did not.

Mr. Suter advised that the 6-Year Plan was brought before the Board in draft form for consideration of scheduling a public hearing at the May 24th meeting. He added that the Board could at

any time advise him of any potential additions to the plan and he would share them with Ms. Hammond.

Ms. Hammond advised that code requires that the plan be approved by the end of the fiscal year.

Supervisor McDaniel requested that the plan be brought before the Board each January or February for more time to review.

Ms. Hammond advised that she typically does not receive the information until late March and then has two or three weeks to combine the information with her records, carrying over any remaining funds from the prior year.

Chairman Lyons reminded the Board that projects could be removed even after they are approved. For example, he shared, the project for Fredericksburg Road could be approved on the current plan at the May 24th meeting and then be removed at a later date.

Ms. Hammond concurred stating that funding for the Fredericksburg Road project would not be allocated until year 2028 leaving more than enough time for the Board to look further into this particular project.

Supervisor McDaniel shared his sincere appreciation to Ms. Hammond - for her willingness to meet with him alongside members of his district to look at certain roads.

The Board thanked Ms. Hammond for her presentation and Chairman Lyons closed the Work Session at 5:14 p.m.

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COUNTY ADMINISTRATOR: SPENCER H. SUTER

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CALLED TO ORDER:

Chairman Lyons called the meeting to order and led in the Pledge of Allegiance.

"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.

Changes to the Agenda:

Chairman Lyons called for changes to the Agenda. There were none.

Recognitions and Presentations:**Spring 2021 Litter Cup Award:**

Solid Waste and Recycling Manager Daniel Mear advised that this was the 26th community cleanup. He noted that between March 20th and March 28th, 65 groups signed up to participate in this year's cleanup with a total of around 375 workers who reportedly collected 861 bags of trash. He added that some bags were not reported and the actual collected would have been around 1300 bags, equivalent to 16 tons of trash. Mr. Mear advised that 16 groups participated in the Litter Cup Challenge and introduced this year's winners, "The Litter Eliminators" who collected 102 bags of trash.

Members of the Rockbridge Area Conservation Council (RACC) David Harbor and Barbara Walsh presented the Litter Cup Award to "The Litter Eliminators" and commended them for their service.

Supervisor McDaniel shared his appreciation to those who participated in cleaning up roadways and stated that citizens should do a better job of not littering.

Business Appreciation Month Resolution:

Chairman Lyons noted the following:

"May is business appreciation month. As our businesses are the heart and soul of our local economy, a resolution has been proffered thanking them for their service especially given the many challenges they have faced during the past, unprecedented year."

Supervisor Lewis read aloud a resolution of appreciation and, later in the meeting during Board Comments, requested that the resolution be adopted at the next meeting after being revised to include agricultural businesses.

The Board shared its support of Supervisor Lewis's request.

Foster Care Proclamation:

Chairman Lyons noted the following:

"May is Foster Care appreciation week. In conjunction with the Rockbridge Area Department of Social Services and Intercept, the Board has, over the past several years, been seeking to increase awareness of the need for foster families." He then read aloud the following proclamation:

FOSTER CARE AWARENESS MONTH PROCLAMATION

WHEREAS, children are key to our community's future success, prosperity, and quality of life; and,

WHEREAS, more than 5,400 children in Virginia's foster care system have a right to thrive, learn, and grow in a safe and loving environment; and,

WHEREAS, foster parents provide love, safety, and stability that children need in order to overcome past traumatic experiences in order to reach their full potential; and,

WHEREAS, Rockbridge County foster parents are caring for and nurturing children and youth in foster care today; and,

WHEREAS, we must come together as a community to recognize the important role foster parents play in caring for children who have experienced abuse and neglect, supporting family reunification, and building strong communities; and,

WHEREAS, a need exists to identify more foster parents in order to ensure children, older youth, children with complex needs, and siblings have a safe and stable home in their community; and,

WHEREAS, there are numerous individuals, businesses, organizations, associations, religious groups, and public servants who are dedicated to raising awareness about the needs of children and youth in foster care; and,

WHEREAS, Foster Care Awareness Month is celebrated nationally to raise awareness about foster care and to encourage community involvement as foster families, volunteers, and mentors.

NOW, THEREFORE, BE IT RESOLVED, that the Rockbridge County Board of Supervisors does hereby declare May 2021 as Foster Care Awareness Month in Rockbridge County and urge all citizens to come forward and take action that will positively impact the life of a child in foster care.

BE IT FURTHER RESOLVED, that the Rockbridge County Board of Supervisors does hereby commend the Rockbridge Area Department of Social Services and Intercept Youth Services for their efforts to raise awareness surrounding this societal challenge.

Adopted this 26th day of April, 2021.

Supervisor Ayers moved to adopt the proclamation.

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

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

Citizens Comments:

Chairman Lyons advised of the following announcement:

"At this time, we will welcome citizens comments. To make a comment, please follow these 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 beginning 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 questions or engage in 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. There is a timer located on the podium for your convenience. We then light turns from green to yellow, you have 30 seconds remaining. Once the timer sets off an alert, please return to your seat if attending in-person or simply end your comment if attending virtually.

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.”

Originally from China, but now a U.S. Citizen living in Fairfax County, Tiny Tang shared the following statement:

“For cultural reasons, Chinese people believe that a person’s body should remain intact after death. As a result, people in China do not want to donate their organs. Yet, in the early 2000s, Chinese hospitals began advertising short wait times for vital organs. Where did all those human organs come from? Extensive and credible reports have revealed that the Chinese Communist Party “CCC” has been killing prisoners - most

are Falun Gong practitioners - in order to sell their organs. A prominent international human rights organization recently stated that organ harvesting has been committed for years throughout China on a significant scale, and Falun Gong practitioners have been one, and probably the main source of organ supply. China has become a major international center for organ transplants and many American patients travel there for this purpose. In fact, a Northern Virginia resident recently received an offer from China of a kidney transplant for \$50,000. This issue should consume us here in Rockbridge County because members of our community who need an organ must consider traveling to China for a transplant. Here in the U.S., the wait time for a matching kidney or liver can take several years, but in China, they can supply a match in a matter of weeks, or less. Can you imagine finding out that your new organ was taken from a person who had been imprisoned for his religious beliefs and then executed so the CCP could sell his organ? Please consider passing a resolution letting our residents and medical professionals know about this issue so they can make an informed decision before traveling to China for an organ transplant."

Originally from South Korea, but now a U.S. Citizen living in Fairfax County, Jisun Bae offered additional comments on organ harvesting in China. She stated the following:

"Falun Gong is a religious practice involving gentle exercises, meditation, and virtues of truth and truthfulness, compassion, and tolerance. It was introduced to the public in 1992 and quickly gained popularity because of its many health and wellness benefits. By 1999, 100 million people were practicing in China alone. Because of Falun Gong's immense popularity and its emphasis on spirituality, the Chinese Communist Party "CCC" considered it a threat. As a result, the head of the CCC launched the persecution of Falun Gong in July 1999. Countless practitioners have been tortured, killed, or disappeared. Shortly after the persecution began, the number of organs available for transplant suddenly increased in China. Beside me is Chunyan Wang, a Virginia resident and a survivor of the CCP's persecution. The police in China killed her husband for protecting her. She spent 7 years in prison for telling people about Falun Gong. She was blood tested to determine the comparability of her organs for a potential transplant. If someone goes to China for a transplant, this could very possibly result in the death of an innocent following practitioner. The

issue of forced organ harvesting in China has been under-reported in the United States media. In response, a total of 10 counties in Virginia including Fairfax, Prince William, and Spotsylvania, recently passed resolutions to educate their residents about the practice. Today, I ask you to do the same. Please introduce and pass a resolution to raise awareness of this issue. We are submitting petitions from several dozen local residents in support of this request. Your action will help prevent the citizens of Rockbridge County from becoming unwilling accomplices to the murder of innocent people. It will also help educate our citizens that Chinese people and Chinese Communist Party are not one and the same."

Ms. Tang then presented petitions to Chairman Lyons.

Approval of the April 5, 2021 and April 12, 2021 Minutes:

Supervisor McDaniel moved to approve the minutes.

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

Update on Courthouse Energy Savings Project:

County Administrator Spencer Suter reviewed the following information:

"In 2019, after working with Trane to identify energy savings opportunities, we had them make some adjustments to the Courthouse HVAC system to include upgrading the old control software and optimizing operation of some system elements. The initial cost was about \$45,000 and then ongoing costs over 5 years for a total contract of about \$85,000.

Our goal when we implement in January, 2020 was to return to the Board with results after gathering some before and after data. Trane has now issued a report that compared the year prior to doing the upgrades to the first year after the upgrades were implemented. This showed a 14.6% savings in electrical energy usage, which equates to nearly \$20,000 in annual energy savings. There are additional cost avoidances that we have not yet calculated, such as natural gas consumption."

We will continue to monitor frequently and adjust to maximize settings and energy savings. At this point I would like to recognize our outstanding Courthouse Building Attendant,

Don Smith, who has done an outstanding job of learning the system controls and maximizing efficiency." He then provided energy savings comparison charts via power point.

Schedule Public Hearing on VDOT 6-Year Plan:

The Board concurred to schedule a public hearing on the VDOT 6-Year Plan for Monday, May 24, 2021.

Public Hearings at 6:00 P.M.:

Consideration of Cigarette Tax Ordinance:

Mr. Suter reviewed the following information:

"Until new legislation was passed last spring, only Virginia Cities were authorized to assess a cigarette tax. Late last fall, the Board began discussion on implementation of a cigarette tax. After additional discussion over the past few months, the Board authorized advertisement of a \$0.30 tax effective January 1, 2022.

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 if the Board adopts.

In your Board package, we included some information about what some other localities are thinking with regard to implementation. Please bear in mind that with exception of Amherst, which has already adopted a \$0.27 tax effective July 1, any others considering the tax are still in progress. The information I gathered was based on communication with County and City Managers. Of course, it ultimately up to the elected Boards and Councils to determine whether to implement, when and at what rate.

At time of agenda posting on Thursday, we had received communication from the Virginia Wholesalers and Distributors Association (VWDA) and the National Association of Tobacco Outlets (NATO) opposing implementation of a cigarette tax. Their comments are included in your agenda package. Today, we also received a letter of opposition signed by 8 local business owners, which the Board has a copy of."

Chairman Lyons opened the public hearing at 6:03 p.m.

Anne Russek of the Buffalo Magisterial District asked the Board to consider whether they are supporting this tax for the purpose of additional revenues or if they support the tax to reduce and deter smoking. She requested that, should the Board implement the tax, a portion of it be put toward smoking cessation programs.

Laith from the City of Lexington shared his concern that implementing this tax would put his local business out of business.

Ubaid Kazi, who attended virtually, opposed the tax and stated that sales have already been decreased as a result of the pandemic and will further decline if the tax is implemented.

Chairman Lyons closed the public hearing at 6:10 p.m.

Supervisor McDaniel clarified that the tax would be passed on to the consumer, not the business.

Chairman Lyons stated that it would be problematic if the County imposed the tax and surrounding localities did not. He added that locals would then travel to those localities who did not tax on cigarette purchases to make their cigarette purchase and potentially fill up the vehicles with fuel and make other grocery purchase while there. He then noted that the proposed

implementation date would not be until January 2022 and therefore, there would be time to make changes if the Board approves the tax and then finds that surrounding localities did not.

Supervisor Ayers asked if the effective date could be changed.

County Attorney Vickie Huffman confirmed that any of the language could be changed following another public hearing. She noted that revenues were not currently budgeted for.

Mr. Suter added that the rough estimate of potential revenues could be around \$320,000 annually. He stressed that the methodology used to reach the estimate was simply based on population ratio comparisons of cities and towns which currently assess a \$0.30 per pack tax and that many other factors could influence the actual revenue totals here.

Supervisor Ayers inquired about associated expenses.

Mr. Suter replied, around \$20,000 to \$25,000.

Supervisor Lewis moved to set this item over to the May 24, 2021 meeting. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

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

Vacation of Street/Alley on Locher Property:

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

"On March 8th, 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. The areas to be vacated are shown on Exhibit A attached.

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."

Supervisor Lewis asked Ms. Huffman if the purpose of this vacation was for Mr. Locher or for the County.

Ms. Huffman replied, both.

Chairman Lyons opened the public hearing at 6:30 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor McDaniel moved to adopt the ordinance as presented. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, APRIL 26, 2021

Ordinance Vacating and Closing a 20' by 350' Portion of the Alley in Block 66, Between the Odd-Numbered Lots 5 – 31 and the Even-Numbered Lots 6 - 32, and a 70' by 275' Portion of the Street Between the Even-Numbered Lots 12 – 32, in Block 66, and the Odd-Numbered Lots 11 – 31, in Block 49, as Shown on the 'Map of Glasgow' in Deed Book 58, page 1 and 2, in the Natural Bridge Magisterial District

WHEREAS, by Option to Purchase Agreement dated October 23, 2019, Baldwin G. Locher, Jr., also known as B. G. Locher, Jr., ("Locher") granted to the County of Rockbridge an option to purchase multiple lots along Wert Faulkner Highway in Natural Bridge Station for development of a new solid waste collection center; and,

WHEREAS, the County has renewed and extended the Option to Purchase several times while performing due diligence on the feasibility of the proposed site for its intended purpose and while the owner pursued clearing potential title issues; and,

WHEREAS, by Amendment and Extension Agreement dated October 21, 2020, Locher and the County agreed to the addition of 8 lots to the Option to Purchase, with all lots shown and described on the attached "Amended Exhibit A", clarified the purchase price per lot with the additions, and extended the term of the Option through April 22, 2021; and,

WHEREAS, on March 8, 2021, the County adopted a Resolution to authorize exercising the option to purchase for 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, and also described as shown on the 'Map of the Property of the West-End Glasgow Land Company', recorded in the aforesaid Clerk's Office in Deed Book 121, page 302; and,

WHEREAS, as shown and created on said plats, an alley lies between the lots in Block 66 and a street lies between Block 66 and Block 49; and,

WHEREAS, Baldwin G. Locher, Jr., as owner, and the County, as purchaser, have petitioned to vacate and close an unimproved, unused and unnamed portion of the alley in Block 66, being approximately 20' in width and extending approximately 350' in length between the odd-numbered Lots 5 – 31 and the even-numbered Lots 6 - 32, and to vacate and close an unimproved and unused portion of the street, referenced on the

plat as Rockbridge Road, being approximately 70' in width and extending approximately 275' in length between the even-numbered Lots 12 – 32, in Block 66, and the odd-numbered Lots 11 – 31, in Block 49; and,

WHEREAS, §15.2-2272.2 of the Code of Virginia (1950, as amended) requires that such action be accomplished by the adoption of an ordinance by the governing body; and,

WHEREAS, notice has been given as required by §15.2-2204 of the Code of Virginia (1950, as amended), and the public hearing was held on April 26, 2021.

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

1. That an unimproved, unused and unnamed portion of the alley in Block 66, being approximately 20' in width and extending approximately 350' in length between the odd-numbered Lots 5 – 31 and the even-numbered Lots 6 - 32, and an unimproved and unused portion of the street (Rockbridge Road), being approximately 70' in width and extending approximately 275' in length between the even-numbered Lots 12 – 32, in Block 66, and the odd-numbered Lots 11 – 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, located in the Natural Bridge Magisterial District of Rockbridge County, as shown hatched on the copy of a tax map attached hereto as Exhibit A, be, and hereby is, vacated and closed to the extent that any public interest may exist, pursuant to Section 15.2-2272 of the Code of Virginia (1950, as amended), subject to the following conditions:

a. That fee simple title to the subject portions of the 20' alley and 60' street shall vest as provided by law, and shall be added and combined to the abutting properties, in compliance with the Rockbridge County Land Development Regulations, and other applicable laws and regulations; and,

b. That all costs and expenses associated herewith, including but not limited to publication, survey and recordation costs, shall be the responsibility of the Petitioners.

2. That the County Administrator or the County Subdivision Administrator is hereby authorized to execute such documents and take such actions as may be necessary to accomplish the provisions of this ordinance, all of which shall be approved as to form by the County Attorney.

3. That this ordinance shall be effective on and from the date of its adoption, and an original or certified copy of this ordinance shall be recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in accordance with §15.2-2272.2 of the Code of Virginia (1950, as amended).

Adopted this 26th day of April, 2021.

BARC Electric Cooperative (Big Spring Drive) - Application for a temporary Special Exception Permit - Lay Down Yard (Public Utility) in the Agricultural and General Uses (A-2) Zoning District:

Supervisor Lewis read aloud the following Disclosure Statement:

"I abstain from all matters, discussions, or voting related to the BARC Electric Cooperative application for a Temporary Special Exception Permit for Laydown Yard, and my disclosure statement required under Virginia Code §2.2-3115(F) is on file with the Clerk to the Board of Supervisors."

He then left the dais.

Director of Community Development Chris Slaydon presented a power point presentation that included the following information as provided in the agenda item:

"Mr. Rick Armstrong, BARC Electric Cooperative's Field Engineer, and Construction Supervisor has made an application for a temporary special exception permit in order to continue to the property as a temporary laydown yard for equipment and material storage for the BARC Connects broadband/fiber project. The property is located on the north side of the intersection of Big Spring Road (Route 631) and West Midland Trail (Route 60) and is identified as 1972 Big Spring Drive, Lexington, Virginia 24450. The property is further identified as tax map number 47-A-50 (15.24 acres per tax records). The property is located in the Agricultural and General Uses (A-2) Zoning District and per section 603.03 9 of the County of

Rockbridge Land Development Regulations, Public Utilities are a use by special exception. A portion of the property is located in Zone A, area within the 100-year special flood hazard area.

On July 24, 2017, the Board of Supervisors approved a temporary special exception permit for the laydown yard for the broadband project. The permit was for two years. Per section, 802.03-11 of the County of Rockbridge Land Development Regulations, renewal of a special exception does not require a public hearing unless the original conditions in the permit are changed, however notice of the renewal will be shown on the agenda of the Board of Supervisors." Per section 802.03 11, on March 25, 2019, the Board of Supervisors approved a two-year extension of the special exception permit. However, condition number two of the July 24, 2017, special exception permit states that "expiration upon termination of the VDOT permit for approval of the temporary construction entrance, no later than April 12, 2019". Due to the fact that this condition will have to be modified, a new special exception will have to be obtained to continue the temporary laydown yard.

The Planning Commission held its Public Hearing on March 10, 2021. At the March 10, 2021 PC meeting, the Commission expressed concerns on the lack of screening for the site and the condition of the site as it pertains to lack of stabilization in the laydown yard.

On March 26, 2021, Mr. Mike Keyser, BARC CEO requested an extension of the review of the pending application. The purpose of the postponement

was to work on the plan to address the concerns. The plan was revised and resubmitted.

At the April 14, 2021 Meeting, the Planning Commission continued its review of the temporary Special Exception Permit Application and has recommended approval of the temporary special exception permit application with the following conditions:

- 1) The development of the property (47-A-50 - 15.24 ac) for which the application is being made shall be in substantial accordance with the development plan prepared by BARC (titled Highland Belle BARC Community Solar Project and Learning Center Site Plan) dated February 18, 2015, with a revision date of March 31, 2021.
- 2) Approval contingent on final VDOT and Erosion and Sediment Control/Strom water Management approvals."

Mr. Keyser stepped up to the podium to answer questions and noted that the request would allow BARC to continue expanding fiber through the County over the next two (2) years.

Chairman Lyons asked Mr. Keyser what the end result would look like. He stated that several of his constituents pass the property daily and, unfortunately, BARC has not been a very good neighbor as the condition of the yard was pretty bad. He added that some of those constituents cannot receive BARC services, but BARC should take care of its neighbors and try to provide them with high-speed internet. Chairman Lyons asked Mr. Slaydon

who would hold BARC accountable should the trees not grow and the condition of the yard gets worse.

Mr. Slaydon replied, the Office of Community Development would be responsible for holding BARC accountable and the Special Exception Permit could be revoked, and BARC could receive civil penalties.

Chairman Lyons asked if the plan was to be completely finished utilizing the current site in two (2) years.

Mr. Keyser stated that it is currently the plan, however they are unsure of what is coming in terms of broadband funding and where they can go outside of their electric territory.

Chairman Lyons opened the public hearing at 6:42 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor McDaniel moved to adopt the ordinance granting the Special Exception Permit. Supervisor Ayers provided the second, and the motion failed based on the following roll call vote:

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

Budget Adoption at 6:00 p.m.

Fiscal Services Director Steven Bolster presented the FY2022-FY2026 CIP. He noted that the School Board and Board of Supervisors would meet later, in the summer or the fall, to prepare for future budget

developments for the Schools FY2023 and beyond. He then advised that there were some changes to the CIP that impacted the FY2022 budget. They were:

- Removed Central Elementary School Field Drainage Issue Correction Project (\$50,000)
- Reduced Fairfield Elementary School HVAC and Associated Parts Replacement Project from \$3,000,000 to \$2,762,000
- Reduced Central Elementary School HVAC and Associated Parts and Replacement Project from \$1,700,000 to \$1,399,403

He noted that the result of these changes reflects a decrease in the Schools CIP from \$5,075,000 to \$4,486,408. He advised that the Virginia Public School Authority (VPSA) held a successful bond sale on April 20, 2021 which included financing for the Fairfield and Central schools HVAC projects. He noted that the average annual debt service over 20 years is \$228,767 which serves favorably for two (2) debt service funding's that are being paid off in July.

Supervisor Lewis read aloud the following Disclosure Statement:

"As my wife is an employee of the Rockbridge County School Board, I have a personal interest in the consideration and adoption of the budget under the Conflict of Interest Act. However, I am not disqualified from participation in the adoption of the County budget. My disclosure statement is on file with the Clerk to the Board of Supervisors."

Supervisor Day read aloud the following Disclosure Statement:

"As my wife is an employee of the Rockbridge County School Board, I have a personal interest in the consideration and adoption of the budget under the Conflict of Interest Act. However, I am not disqualified from participation in the adoption of the County budget. My disclosure statement required under Virginia Code §2.2-3115(F) is on file with the Clerk to the Board of Supervisors."

Supervisor Ayers read aloud the following Disclosure Statement:

"As I am an employee of FOR Swimming, I have a personal interest in the consideration and adoption of the budget under the Conflict of Interest Act. However, I am not disqualified from participation in the adoption of the County budget. My disclosure statement required under Virginia Code §2.2-3115(F) is on file with the Clerk to the Board of Supervisors."

Chairman Lyons read aloud the following Disclosure Statement:

"As my wife is a part-time employee of Rockbridge Area Health Center, I have a personal interest in the consideration and adoption of the budget under the Conflict of Interest Act. However, I am not disqualified from participation in the adoption of the County budget. My disclosure statement required under Virginia Code §2.2-3115(F) is on file with the Clerk to the Board of Supervisors."

Mr. Bolster explained that the School division provided an update on its CIP on March 18th at which time it was learned that they had added three (3) additional years make theirs an eight-year CIP. Thus, the plan

is for the two (2) Boards to review their CIP in the summer and fall in preparation for future budget developments of 2023 and beyond.

Supervisor McDaniel moved to adopt the CIP resolution, including only FY2022 for the school divisions. Supervisor Ayers provided the second, and the motion carried by the following roll call vote:

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 ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON
MONDAY, APRIL 26, 2021

**RESOLUTION TO APPROVE AND ADOPT THE ROCKBRIDGE COUNTY, VIRGINIA,
CAPITAL IMPROVEMENTS PROGRAM 2022-2026**

WHEREAS, staff has prepared an updated capital improvement program (CIP) based on the comprehensive plan for the ensuing five (5) years; and,

WHEREAS, the Board provisionally approved the CIP at its meeting on January 11, 2021, to serve as a guide during the upcoming budget process, with consideration of formal approval to be scheduled with adoption of the 2021-2022 budget.

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

1. That the Board of Supervisors hereby approves and adopts the Rockbridge County, Virginia, Capital Improvements Program 2022-2026.
2. That capital improvement priorities and funding shall be determined and established through the Board's budget process for the fiscal year 2021-2022, and annually for subsequent fiscal years.
3. That the provisions of this Resolution shall be effective on and from the date of its adoption.

Adopted this 26th day of April, 2021.

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

Ayes: McDaniel, Lewis, Day, Ayers, 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 26, 2021

**RESOLUTION TO ADOPT THE 2021-2022 ANNUAL BUDGETS FOR ROCKBRIDGE
COUNTY AND TO SET TAX RATES FOR 2021 CALENDAR YEAR**

WHEREAS, the Board of Supervisors of Rockbridge County has developed an annual fiscal plan (annual budget) which is for informative and planning purposes only, and which budget is for the fiscal year beginning July 1, 2021, and ending June 30, 2022; and,

WHEREAS, a brief synopsis of the budget, proposed and current tax levies, and a notice of the public hearing were published in The News-Gazette newspaper, having general circulation in the County of Rockbridge, on April 7, 2021 and April 14, 2021, in accordance with the requirements of §15.2-2506 of the Code of Virginia (1950, as amended); and,

WHEREAS, a public hearing was held, pursuant to Title 15.2 and Title 22.1 of the Code of Virginia, as amended, on April 19, 2021, at 6:00 p.m., to take public comments regarding said annual budget.

NOW, THEREFORE, BE IT RESOLVED that the General Fund annual budget in the amount of \$49,543,354.00, the Construction Project Fund annual budget in the amount of \$311,140.00, and the Capital Projects Fund annual budget in the amount of \$416,198.00, as published in the County of Rockbridge Budget 2021-2022 effective July 1, 2021, be and is hereby adopted.

BE IT FURTHER RESOLVED, that the tax rates to be levied on taxable property in Rockbridge County for the tax year 2021 shall be as follows:

- Real Estate - \$0.74 per \$100 based on 100% valuation
- Mobile Homes - \$0.74 per \$100 based on 100% valuation
- Personal Property Other Than Mobile Homes - \$4.50 per \$100 assessed valuation
- Machinery & Tools - \$2.55 per \$100 assessed valuation
- The Commonwealth's reimbursement rate for the Personal Property Tax Relief will be 37%

This resolution shall be effective upon and from the date of its adoption.

Adopted this 26th day of April, 2021.

Board Comments:

As mentioned during the Business Appreciation Resolution under Presentations earlier in the meeting, Supervisor Lewis recommended bringing the resolution back before the Board at the Monday, May 10, 2021 meeting with additional language recognizing agricultural businesses. He then advised that he had received an application for membership on the Blue Ridge Resource Authority and would like to add the appointment to the May 10, 2021 agenda.

Supervisor McDaniel asked if the BARC Special Exception Permit item discussed during the public hearings could be reheard since the motion to approve failed.

Supervisor Lewis left the dais to abstain from discussion.

Ms. Huffman replied to Supervisor McDaniel's question stating that the application would need to be substantially different if reapplying and the location of the project would need to change as well. She added that the same location could not be considered for 12 months after denial of an application.

Adjournment:

Supervisor McDaniel moved to adjourn at 7:07 p.m. Supervisor Day provided the second, and the motion carried by the following roll call vote:

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