

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, AUGUST 23, 2021 AT 5:30 P.M.

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Note: The scheduled Work Session for 4:30 p.m. was cancelled.

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

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.

Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members. All Board Members attended in-person.

Chairman Lyons 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:

"Per the Governor of the Commonwealth of Virginia Executive Order 72, persons who have been fully vaccinated for the COVID-19 virus are not required to wear a mask.

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:**

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

**Recognitions and Presentations:**

There were none.

**Citizens Comments:**

Chairman Lyons called for citizens comments. There were none.

**Approval of the August 8, 2021 Minutes:**

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

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

**Consideration of Corrected County Appropriation Resolution:**

Fiscal Services Director Steven Bolster presented the revised resolution advising that the previously approved resolution was missing a single digit and therefore would need to be re-adopted as amended.

Supervisor McDaniel moved to adopt the revised resolution. 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 COUNTY ADMINISTRATIVE BUILDING,  
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,  
ON MONDAY, AUGUST 23, 2021 AT 5:30 P.M.

On motion by Supervisor McDaniel, 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, 2022**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-11010-3001 Professional Services.....	\$31,848.00
<b>Total General Fund Appropriations</b>	<b>\$31,848.00</b>
<b>Total Appropriations</b>	<b>\$31,848.00</b>
<b>Current County</b>	
11 - General Fund	\$389,795.83
94 - Central Stores	<u>\$5,935.51</u>
<b>Total County Bills</b>	<b>\$395,731.34</b>
<b>TOTAL ALL BILLS</b>	<b>\$395,731.34</b>

**Consideration of School Appropriation Resolution:**

Mr. Bolster presented the School Appropriation Resolution and recommended approval as presented.

Supervisor McDaniel moved to adopt 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, 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 COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, AUGUST 23, 2021 AT 5:30 P.M.

On motion by Supervisor McDaniel, seconded by Supervisor Lewis, 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, 2022** in **FUND 50, SCHOOL FUND** and expended as follows:

**Carryover Grants**

**IDEA Title VIB 611 2019**

4-50-62230-3160-901-200-904 Purchased Services..... \$1,748.00  
**Total** **\$1,748.00**

**Title IVB 619 2020**

4-50-61310-1120-901-202-912 Teacher Salaries..... \$6,365.00  
4-50-61310-6030-901-202-912 Materials & Supplies..... \$540.00  
**Total** **\$6,905.00**

**Title IV Pt A LEA 2020**

4-50-61100-3160-390-100-910 Purchased Services..... \$20,200.00  
4-50-61100-6030-390-100-910 Materials & Supplies..... \$4,390.00  
**Total** **\$24,590.00**

**Title II 2020**

4-50-61310-1120-901-102-909 Teacher Salaries..... \$13,897.00  
4-50-61310-2100-901-102-909 FICA..... \$1,006.00  
4-50-61310-3160-901-102-909 Purchased Services..... \$5,591.00  
4-50-61310-5540-901-102-909 Travel..... \$3,916.00  
4-50-61310-6030-901-102-909 Materials & Supplies..... \$75.00  
**Total** **\$24,485.00**

**Title III 2020**

4-50-61310-3160-901-102-920 Purchased Services..... \$1,412.00  
4-50-61310-5540-901-102-920 Travel..... \$300.00  
4-50-61310-6030-901-102-920 Materials & Supplies..... \$1,518.00  
**Total** **\$3,230.00**

**IDEA Title VIB 611 2020**

4-50-61100-1120-220-200-916 Teacher Salaries..... \$179,880.00  
4-50-61100-1120-240-200-916 Teacher Salaries..... \$31,278.00  
4-50-61100-1120-270-200-916 Teacher Salaries..... \$32,110.00  
4-50-61100-1120-350-200-916 Teacher Salaries..... \$69,002.00  
4-50-61100-1151-350-200-916 Teacher Assistant..... \$14,049.00  
4-50-61100-2100-220-200-916 FICA..... \$12,901.00  
4-50-61100-2100-240-200-916 FICA..... \$2,244.00  
4-50-61100-2100-270-200-916 FICA..... \$2,303.00  
4-50-61100-2100-350-200-916 FICA..... \$5,963.00

4-50-61100-2210-220-200-916	VRS.....	\$28,028.00
4-50-61100-2210-240-200-916	VRS.....	\$4,874.00
4-50-61100-2210-270-200-916	VRS.....	\$5,004.00
4-50-61100-2210-350-200-916	VRS.....	\$12,955.00
4-50-61100-2300-220-200-916	Medical.....	\$10,117.00
4-50-61100-2300-240-200-916	Medical.....	\$7,308.00
4-50-61100-2300-270-200-916	Medical.....	\$6,380.00
4-50-61100-2300-350-200-916	Medical.....	\$10,522.00
4-50-61100-2400-220-200-916	GLI.....	\$2,260.00
4-50-61100-2400-240-200-916	GLI.....	\$394.00
4-50-61100-2400-270-200-916	GLI.....	\$404.00
4-50-61100-2400-350-200-916	GLI.....	\$1,045.00
4-50-61100-2750-220-200-916	RHIC.....	\$2,041.00
4-50-61100-2750-240-200-916	RHIC.....	\$355.00
4-50-61100-2750-270-200-916	RHIC.....	\$365.00
4-50-61100-2750-350-200-916	RHIC.....	\$944.00
4-50-62230-3160-901-200-916	Purchased Services.....	<u>\$20,000.00</u>
<b>Total</b>		<b>\$462,726.00</b>

**Title I 2020**

4-50-61100-1120-220-100-908	Teacher Salaries.....	\$24,361.00
4-50-61100-1120-240-100-908	Teacher Salaries.....	\$26,270.00
4-50-61100-1120-260-100-908	Teacher Salaries.....	\$11,432.00
4-50-61100-1120-270-100-908	Teacher Salaries.....	\$23,198.00
4-50-61100-2100-220-100-908	FICA.....	\$1,864.00
4-50-61100-2100-240-100-908	FICA.....	\$2,010.00
4-50-61100-2100-260-100-908	FICA.....	\$875.00
4-50-61100-2100-270-100-908	FICA.....	\$1,775.00
4-50-61100-2210-220-100-908	VRS.....	\$3,108.00
4-50-61100-2210-240-100-908	VRS.....	\$3,425.00
4-50-61100-2210-260-100-908	VRS.....	\$959.00
4-50-61100-2210-270-100-908	VRS.....	\$2,915.00
4-50-61100-2300-220-100-908	Medical.....	\$1,611.00
4-50-61100-2300-240-100-908	Medical.....	\$1,613.00
4-50-61100-2300-260-100-908	Medical.....	\$1,606.00
4-50-61100-2300-270-100-908	Medical.....	\$3,019.00
4-50-61100-2400-220-100-908	GLI.....	\$327.00
4-50-61100-2400-240-100-908	GLI.....	\$353.00
4-50-61100-2400-260-100-908	GLI.....	\$154.00
4-50-61100-2400-270-100-908	GLI.....	\$311.00
4-50-61100-2750-220-100-908	HCC.....	\$295.00
4-50-61100-2750-240-100-908	HCC.....	\$318.00
4-50-61100-2750-260-100-908	HCC.....	\$139.00
4-50-61100-2750-270-100-908	HCC.....	\$281.00
4-50-61100-3160-220-100-908	Purchased Services.....	\$2,600.00
4-50-61100-5540-220-100-908	In Service.....	\$1,250.00
4-50-61100-5540-240-100-908	In Service.....	\$1,125.00
4-50-61100-5540-260-100-908	In Service.....	\$300.00
4-50-61100-5540-270-100-908	In Service.....	\$680.00
4-50-61100-6030-220-100-908	Materials & Supplies.....	\$4,000.00

4-50-61100-6030-240-100-908	Materials & Supplies.....	\$3,458.00
4-50-61100-6030-260-100-908	Materials & Supplies.....	\$1,000.00
4-50-61100-6030-270-100-908	Materials & Supplies.....	<u>\$3,458.00</u>
<b>Total</b>		<b>\$130,090.00</b>

**Title IV 21<sup>st</sup> Century NBES 2020**

4-50-61100-1120-270-500-917	Teacher Salaries.....	\$12,659.00
4-50-61100-2100-270-500-917	FICA.....	\$946.00
4-50-61100-3160-270-500-917	Purchased Services.....	\$11,555.00
4-50-61100-4000-270-500-917	Internal Services.....	\$5,170.00
4-50-61100-5540-270-500-917	Travel/Mileage.....	\$910.00
4-50-61100-6030-270-500-917	Materials & Supplies.....	<u>\$6,980.00</u>
<b>Total</b>		<b>\$38,220.00</b>

**Title IV 21<sup>st</sup> Century MRMS 2020**

4-50-61100-1120-350-500-918	Teacher Salaries.....	\$25,164.00
4-50-61100-2100-350-500-918	FICA.....	\$1,925.00
4-50-61100-3160-350-500-918	Purchased Services.....	\$12,867.00
4-50-61100-4000-350-500-918	Internal Services.....	\$7,416.00
4-50-61100-5510-350-500-918	Mileage.....	\$98.00
4-50-61100-6030-350-500-918	Materials & Supplies.....	<u>\$22,159.00</u>
<b>Total</b>		<b>\$69,629.00</b>

**Total Carryover Grant Appropriations** **\$761,623.00**

**New Grants**

**CTE STEM H TEST 2021**

4-50-61100-3160-390-300-156	Purchased Services.....	<u>\$1,916.00</u>
<b>Total</b>		<b>\$1,916.00</b>

**CTE EQUIP HIGH DEMAND 2021**

4-50-61100-6030-390-300-157	Equipment.....	<u>\$5,934.00</u>
<b>Total</b>		<b>\$5,934.00</b>

**CTE EQUIP 2021**

4-50-61100-6030-390-300-158	Equipment.....	<u>\$7,656.00</u>
<b>Total</b>		<b>\$7,656.00</b>

**CTE CERT. TEST 2021**

4-50-61100-3160-390-300-159	Purchased Services.....	<u>\$5,102.00</u>
<b>Total</b>		<b>\$5,102.00</b>

**CTE WRS 2021**

4-50-61100-3160-390-300-160	Purchased Services.....	<u>\$1,183.00</u>
<b>Total</b>		<b>\$1,183.00</b>

**GAE 2021**

4-50-61100-1620-312-700-150	Part Time Teachers.....	\$7,675.00
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4-50-61100-2100-312-700-150	FICA.....	\$581.00
<b>Total</b>		<b>\$8,256.00</b>

**RACE TO GED 2021**

4-50-61100-1620-312-700-151	Part Time Teachers.....	\$14,579.00
4-50-61100-2100-312-700-151	FICA.....	\$1,116.00
4-50-61100-3160-312-700-151	Purchase Services.....	\$250.00
4-50-61100-6030-312-700-151	Materials & Supplies.....	\$56.00
<b>Total</b>		<b>\$16,001.00</b>

**Perkins CTE 2021**

4-50-61100-3160-390-300-924	Purchase Services.....	\$15,000.00
4-50-61100-5830-390-300-924	Other Charges.....	\$4,000.00
4-50-61100-6030-390-300-924	Materials & Supplies.....	\$42,568.00
<b>Total</b>		<b>\$61,568.00</b>

**AFELA 2021**

4-50-61100-1620-312-700-925	P/T Teacher Salaries.....	\$67,479.00
4-50-61100-1621-312-700-925	P/T Teacher Salaries.....	\$1,800.00
4-50-61100-2100-312-700-925	FICA.....	\$5,300.00
4-50-61100-3160-312-700-925	Purchased Services.....	\$4,850.00
4-50-61100-5510-312-700-925	Mileage/Travel.....	\$1,225.00
4-50-61100-6030-312-700-925	Materials & Supplies.....	\$4,475.00
<b>Total</b>		<b>\$85,129.00</b>

**ESSER-CARES II 2020**

4-50-61310-1120-901-102-922	Teacher Salaries.....	\$38,175.00
4-50-61310-1120-901-103-922	Teacher Salaries.....	\$45,116.00
4-50-61310-2100-901-102-922	FICA.....	\$6,076.00
4-50-61310-2210-901-103-922	VRS.....	\$13,843.00
4-50-61310-2300-901-102-922	HOSP.....	\$7,470.00
4-50-61310-2400-901-102-922	GLI.....	\$1,116.00
4-50-61310-2750-901-103-922	HCC.....	\$1,008.00
4-50-64200-1191-904-000-922	Salary.....	\$23,838.00
4-50-64200-2100-904-000-922	FICA.....	\$1,778.00
4-50-64200-2210-904-000-922	VRS.....	1,309.00
4-50-64200-2300-904-000-922	HOSP.....	\$10,169.00
4-50-64200-2400-904-000-922	GLI.....	\$320.00
4-50-64200-2750-904-000-922	HCC.....	\$129.00
4-50-61210-1120-390-100-922	Salary.....	\$70,000.00
4-50-61210-2100-390-100-922	FICA.....	\$5,355.00
4-50-61210-2210-390-100-922	VRS.....	\$11,634.00
4-50-61210-2400-390-100-922	GLI.....	\$938.00
4-50-61210-2750-390-100-922	HCC.....	\$847.00
4-50-64200-3300-904-000-922	Purchased Services.....	\$343,276.00
4-50-68200-3100-908-000-922	Purchased Services.....	\$700,000.00
4-50-64200-5540-904-000-922	Services.....	\$5,000.00
4-50-68200-5540-908-000-922	Services.....	\$72,000.00
4-50-64200-6007-904-000-922	Materials & Supplies.....	\$242,000.00
4-50-68100-6050-908-000-922	Materials & Supplies.....	\$218,000.00



<b>Total</b>	<b>\$1,819,397.00</b>
<b>Total New Grant Appropriations</b>	<b>\$2,012,142.00</b>
<b>TOTAL FUND 50 APPROPRIATIONS</b>	<b>\$2,773,765.00</b>

**Consideration of Business Development Incentives for Whites Travel Center:**

Business Development Assistant and Secretary to the Economic Development Authority Brandy Flint advised of the following information:

"Chairman, Members of the Board. Included in your package is a request for incentives for White's Travel Center's expansion. The 27,250 square foot project includes remodeling the existing space, an addition to the building, and modifications to the parking lot. The expanded area will consist of a more extensive deli and additional retail space, neither of which qualify for incentives under the Raphine Tourism Zone; therefore, we ask the Board to consider an incentive package for investment and job creation. The total investment is \$8 million, which includes \$6 million in construction costs, \$1 million in Machinery and Equipment, and \$1 million in Furniture, Fixtures. The project will add 30 new employees. The proposed incentive package totals \$53,663 and includes an M&T tax grant for \$2,550 for one year, a building permit fee grant for \$49,613, and an employment grant of \$1,500 for the two supervisory positions. As secretary of the EDA, I reviewed this project and proposed incentive package with the EDA on August 16th, and they recommended approval of the proposal. I will take any questions you have at this time."

Supervisor Ayers asked Ms. Flint if the non-supervisory positions were full-time with benefits.

Ms. Flint replied that the two (2) supervisory positions were full-time with benefits and the non-supervisory positions would be full-time as well but she was uncertain if they would receive benefits.

Supervisor McDaniel shared his appreciation of a local business re-investing in the community.

Supervisor Lewis moved to authorize staff to move forward with developing a performance agreement to facilitate the proposed incentive package. 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

**Further Discussion of the Cigarette Tax:**

Mr. Suter advised of the following:

"As you know, the Board has been consideration implementation of this tax for multiple months since the first discussion last Fall. At the second July meeting, the Board set off a decision until the August 23<sup>rd</sup> meeting. Not much has changed with our neighbors, though Lexington City Council appears poised to adopt at a rate and timeframe to match the County, if the Board chooses to adopt. Ms. Huffman has updated the previously advertised ordinance with new dates. Bear in mind, if you

adopt, there will be necessary preparation work to be completed. This would include procuring stamps, coordinating with retailers, and contacting wholesalers to ensure a smooth transition."

Supervisor McDaniel referred to an email received the week prior regarding a 2% discount for distributors.

Mr. Suter advised that he had not received that email.

Supervisor McDaniel advised that the email came from Virginia Wholesalers Distribution Associates indicating that the ordinance does not provide a tax discount for the distributors buying the stamps, and a majority of cities and towns provide at least a 2% discount to assist with administrative expenses. In addition, he advised, the email states that the County's ordinance indicates a 5% return fee for unused or damaged stamps which is in violation with Virginia Code §58.1-3832 that no fees or penalties can be charged for returned tax stamps.

Mr. Suter and Ms. Huffman advised that they had not received that email.

Ms. Huffman then responded that she did not believe the enabling legislation authorizes granting a discount on this tax.

Chairman Lyons asked Ms. Huffman to research the information in the email.

Chairman Lyons asked the Board if they were wished to provide a discount if it is allowable.

Supervisor Lewis stated that he had not considered it because he had been under the impression they could not, per Ms. Huffman's previous statements.

Ms. Huffman advised of one jurisdiction which had provided a discount - Amherst County.

Supervisor McDaniel asked Mr. Suter what the plans were for the two towns.

Mr. Suter advised that the Town Manager in Glasgow is taking it to Council and the Mayor of Goshen is taking it to Council.

Supervisor Lewis asked Ms. Huffman if the amount in the ordinance could be reduced without having to readvertise.

Ms. Huffman concurred.

Supervisor Lewis moved to adopt the ordinance changing the amount per pack to \$0.25. Supervisor Day provided a second to the motion.

Before voting, Supervisor Ayers stated that she did not like this tax, but following discussions, understood a majority of the purchases will be coming from non-residents of the County. She added that the County is continually faced with raising salaries for deserving employees and has no choice but to look for revenues outside of property taxes. She stated that she would reluctantly vote for this tax.

Supervisor McDaniel stated that he would not vote for this tax as it would put the county at a disadvantage compared with neighboring jurisdictions.

The motion carried and the ordinance was adopted based on the following roll call vote by the Board:

Ayes: Lewis, Day, Ayers  
Nays: McDaniel, Lyons  
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, AUGUST 23, 2021

**ORDINANCE TO AMEND THE ROCKBRIDGE COUNTY CODE, CHAPTER 25 - TAXATION, TO ADD A NEW ARTICLE XV – CIGARETTE TAX TO IMPOSE A CIGARETTE TAX AT THE RATE OF \$0.0125 PER CIGARETTE ON EACH CIGARETTE SOLD, WITH A MINIMUM OF \$0.25 PER PACKAGE, IN ROCKBRIDGE COUNTY**

BE IT ENACTED by the Rockbridge County Board of Supervisors that Chapter 25 of the Rockbridge County Code is hereby amended as follows:

**ROCKBRIDGE COUNTY CODE**

Chapter 25

**TAXATION**

- Art. I. In General, §§25-1--25-20**
- Art. II. Personal Property Tax, §§25-21--25-35**
- Art. III. Real Property Tax, §§25-36--25-95**
  - Div. 1. Generally, §§25-36--25-50
  - Div. 2. Special Assessment for Agricultural, Horticultural, Forest or Open Space Real Estate, §§25-51--25-65
  - Div. 3. Assessment of New Buildings, §§25-66--25-75
  - Div. 4. Exemptions from Real Estate Taxes, §§25-76--25-95
- Art. IV. Motor Vehicle License Tax, §§25-96--25-120**
- Art. V. Sales Tax, §§25-121--25-130**
- Art. VI. Use Tax, §§25-131--25-140**
- Art. VII. Utility Tax, §§25-141--25-160**
- Art. VIII. Additional Tax on Telephone Services, §§25-161--25-175**
- Art. IX. Transient Occupancy Tax, §§25-176--25-190**
- Art. X. Tax on Certain Foods and Beverages, §§25-191--25-215**
- Art. XI. Bank Franchise Tax, §§25-216--25-225**
- Art. XII. Recordation Tax, §§25-226--25-228**

- Art. XIII. Short-Term Rental Registry, §§25-231--25-240**  
**Art. XIV. Admissions Tax, §§25-241--25-250**  
**Art. XV. Cigarette Tax, §§25-251--25-270**

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## **ARTICLE XV. CIGARETTE TAX**

### **Sec. 25-251. Definitions.**

For purposes of this Article, the following words and phrases have the following meanings respectively ascribed to them by this Section, except where the context clearly indicates a different meaning:

*Cigarette* means and includes any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether it is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

*Cigarette Machine Operator* means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

*Commissioner of the Revenue* means the Commissioner of the Revenue of the County and any of his or her duly authorized deputies and agents.

*Dealer* means and includes every manufacturer, jobber, wholesaler, retailer, cigarette machine operator, public warehouseman, or other person who supplies a seller or agent with cigarettes for sale within the County.

*Package* means any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user. Ordinarily, a package contains twenty (20) cigarettes; however, the term "package" includes those containers in which fewer or more than twenty (20) cigarettes are placed.

*Person* means and includes any individual, firm, partnership, society, association, joint stock company, group, agency, syndicate, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. The word "person" as applied to a partnership, unincorporated association or other joint venture means the partners or members thereof, and as applied to a corporation, includes all of the officers and directors thereof.

*Place of business* means and includes any place where cigarettes are sold, placed, stored, offered for sale or displayed for sale or where cigarettes are brought or kept for the purpose of sale, consumption or distribution, including vending machines, by a dealer within the County.

*Purchaser* means every person to whom title to any cigarettes is transferred by a seller within the jurisdictional limits of the County.

*Sale or sell* means and includes every act or transaction, irrespective of the method or means employed, including the use of vending machines and other mechanical devices, whereby ownership or possession, or both, of any cigarettes is transferred from the seller to any other person within the jurisdictional limits of the County.

*Seller* means every person who transfers title to any cigarettes or in whose place of business title to any cigarettes is transferred, within the jurisdictional limits of the County, for any purpose other than resale.

*Stamp* means a small gummed piece of paper or decal to be sold by the Treasurer and to be affixed to every package of cigarettes sold at retail in the County, and also any insignia or symbols printed by meter machine upon any such package under the authorization of the Treasurer.

*Treasurer* means the Treasurer of the County and any of his or her duly authorized deputies and agents.

**Sec. 25-252. Registration required.**

Each distributor, wholesaler, vendor, retailer, or other person selling, storing, or possessing cigarettes within or transporting cigarettes within or into the County for sale or use shall first register with the Commissioner of the Revenue. The application form, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by the applicant as the Commissioner of the Revenue deems necessary for the administration and enforcement of this Article. Any applicant whose place of business and residence is outside the County shall automatically, by filing his application, submit himself to the County's legal jurisdiction and appoint the County Administrator as his agent for any service of lawful process. A copy of any such process served on the County Administrator shall be sent forthwith by registered mail to the distributor, wholesaler, vendor, retailer, or other person.

**Sec. 25-253. Levied; amount.**

There is hereby levied and imposed by the County a tax at the rate of \$0.0125 per cigarette on each cigarette sold, with a minimum of \$0.25 per package, to the ultimate consumer in the County. The amount of such tax shall be paid by the seller, if not previously paid, in the manner and at the time provided for in this Article.

**Sec. 25-254. Method of payment.**

A. The tax imposed by this Article shall be paid by affixing or causing to be affixed a stamp or stamps, of the proper denominational or face value, to each and every package of cigarettes sold within the County, in the manner and at the time or times provided for in this Article. Every dealer and every seller in the County, once registered, shall have the right to buy such stamps from the County Treasurer and to affix the same to packages of cigarettes as provided in this Article.

B. The Commissioner of the Revenue may permit the payment in advance of the tax levied and imposed by this Article by the method of placing imprints of the stamps upon original packages by the use of meter machines, in lieu of the method of paying such tax by the purchase and affixing of gummed stamps and may prescribe and enforce the necessary regulations setting forth the method to be employed and the condition to be observed in the use of such meter machines.

**Sec. 25-255. Preparation and sale of stamps.**

For the purpose of making stamps available for use, the Commissioner of the Revenue shall prescribe, prepare and furnish to the County Treasurer, and the County Treasurer shall sell stamps of such denominations and in such quantities as may be necessary for the payment of the taxes imposed by this Article.

**Sec. 25-256. General duties of dealers and sellers with respect to stamps.**

A. Every dealer in cigarettes is hereby required and it shall be his duty to purchase such stamps, at the office of the Commissioner of the Revenue and payment to the County Treasurer, as shall be necessary to pay the tax levied and imposed by this Article, and to affix or cause to be affixed a stamp or stamps of the monetary value prescribed by this Article to each package of cigarettes prior to delivery or furnishing of such cigarettes to any seller. Nothing herein contained shall preclude any dealer from using a stamp meter machine in lieu of gummed stamps to effectuate the provisions of this Article.

B. Every seller shall examine each package of cigarettes prior to exposing the same for sale, for the purpose of ascertaining whether such package has the proper stamps affixed thereto or imprinted thereon, as provided by this Article. If, upon such examination, unstamped or improperly stamped packages of cigarettes are discovered, the seller, where such cigarettes were obtained from a dealer, shall immediately notify such dealer, and upon such notification, such dealer shall forthwith either affix to or imprint upon such unstamped or improperly stamped packages the proper amount of stamps, or shall replace such packages with others to which stamps have been properly affixed or imprinted thereon.

C. Should a seller obtain or acquire possession of, from any person other than a dealer, any unstamped or improperly stamped cigarettes, such seller shall forthwith, before selling or offering or exposing such cigarettes for sale in the county, purchase and affix or cause to be affixed to such packages of cigarettes the proper stamps, or the markings of a meter machine, covering the tax imposed by this Article.

D. In the event any seller elects to purchase and affix stamps or imprints of a meter machine, before offering cigarettes for sale, any dealer delivering and furnishing cigarettes to such seller shall not be required to purchase and affix such stamps or imprints to such cigarettes so sold or furnished; provided that any such dealer shall, on the day after such delivery and furnishing, file with the Commissioner of the Revenue a copy of the delivery memorandum showing the name and address of the seller and the quantity and type of cigarettes so delivered and furnished.

**Sec. 25-257. Visibility of stamps or meter markings.**

Stamps or the printed markings of a meter machine shall be placed upon each package of cigarettes in such manner as to be readily visible to the purchaser.

**Sec. 25-258. Altering design of stamps.**

The Commissioner of the Revenue may, from time to time, and as often as he or she may deem advisable, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

**Sec. 25-259. Refund for unused stamps or meter imprints.**



A. Should any person, after acquiring from the Commissioner of the Revenue and payment to the County Treasurer for any stamps or metered imprints provided for in this Article, cease to be engaged in a business necessitating the use thereof, or should any such stamps become mutilated and unfit for use, other than by cancellation as provided in this Article, or otherwise not be used, such person shall be entitled to a refund of the denominational or face amount of any stamps or imprints so acquired and not used by him, less five percent (5%) of the denominational or face amount thereof, upon presenting such stamps or imprints to the Commissioner of the Revenue and furnishing the Commissioner of the Revenue with an affidavit showing, to his satisfaction, that such stamps or imprints were acquired by such person and have not in any manner been used and the reason for requesting such refund.

B. All refunds for unused and mutilated stamps and for nonuse of imprints of stamps by meter machines provided for under this Section are hereby authorized to be made on vouchers approved by the Commissioner of the Revenue and, when made, the same shall be charged against the sums collected for the sale of such stamps and for the use of such imprints.

### **Sec. 25-260. Seizure and sale of unstamped cigarettes.**

A. Whenever the Sheriff or any of his deputies shall discover cigarettes in quantities of more than six (6) cartons within the County which are subject to the tax imposed by this Article and upon which the tax has not been paid or upon which stamps have not been affixed or evidence of such tax shown thereon by the printed markings of an authorized meter machine, as this Article requires, such cigarettes shall be conclusively presumed for sale or use within the County and the Sheriff or his deputies may forthwith seize and confiscate such cigarettes, if:

- (1) They are in transit, and are not accompanied by a bill of lading or other document indicating the true name and address of the cosigner or seller and of the cosigner or purchaser, and the brands and quantity of cigarettes so transported; or are in transit and accompanied by a bill of lading or other document which is false or fraudulent in whole or in part; or
- (2) They are in transit and are accompanied by a bill of lading or other documents indicating:
  - a. A consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid, and unless the tax of the state or district of destination has been paid and the said products bear the tax stamp of that state or district; or
  - b. A consignee or purchaser in the Commonwealth but outside the County who does not possess a Virginia sales and use tax certificate, a Virginia retail tobacco license and where applicable, both a business license and retail tobacco license issued by the local jurisdiction of destination; or
- (3) They are not in transit and the tax has not been paid, nor have approved arrangements for payment been made, provided that this subsection shall not apply to cigarettes in the possession of distributors or public warehouses which have filed notice and appropriate proof with the Commissioner of the Revenue that those cigarettes are temporarily within the county and will be sent to consignees or purchasers outside the county in the normal course of business.

B. All cigarettes seized and confiscated according to Subsection (1) of this Section shall thereupon be deemed to be forfeited to the County and may be sold within a reasonable time thereafter, after proper notice of such seizure is given to the known holders of property interests in the cigarettes. Such notice shall be given to known holders of property interests, if any, by certified mail and by written notice posted on the bulletin board(s) of the County Administration Center at least seven (7) days before the date of sale. Such notice shall contain the time and place at which the sale is to occur and procedures for administrative appeal as well as affirmative defenses which may be asserted by such holders. All moneys collected under this Section shall be paid to the County Treasurer and treated as other taxes collected under this Article. No credit from any sale or other disposition shall be allowed toward any tax or penalties owed.

**Sec. 25-261. Seizure and sale of coin-operated vending machines and counterfeit stamp or impression devices.**

A. Any coin-operated vending machine, in which any cigarettes are found, stored or possessed bearing a counterfeit or false tobacco tax stamp or impression or any unstamped cigarettes, or any cigarettes upon which the tax has not been paid, may be declared contraband property and be subject to confiscation and sale as provided in [Section 25-260\(B\)](#). When any such vending machine is found containing such cigarettes, it shall be presumed that such cigarettes were intended for distribution, sale or use therefrom. In lieu of immediate seizure and confiscation of any vending machine used in an illegal evasion of the tax, it may be sealed by appropriate enforcement authorities to prevent continued illegal sale or removal of any cigarettes and may be left unmoved until other civil and criminal penalties are imposed or waived. Notice requirements shall be the same as if the machine had been seized. Such seal may be removed, and the machine declared eligible for operation only by authorized enforcement authorities. Nothing in this Section shall prevent seizure and confiscation of a vending machine at any time after it is sealed.

B. Any counterfeit stamps or counterfeit impression devices found may also be seized and confiscated.

**Sec. 25-262. Dealers' and sellers' records.**

It shall be the duty of every dealer and seller to maintain and keep, for a period of two (2) years, such records of cigarettes sold and delivered by him as may be required by the Commissioner of the Revenue and to make all such records available for examination by such Commissioner of the Revenue, upon demand, at any and all reasonable times.

**Sec. 25-263. Rules and regulations for enforcement and administration of article; examination of books, records, etc.**

A. The Commissioner of the Revenue may prescribe, adopt, promulgate and enforce rules and regulations relating to the method and means to be used in the cancellation of stamps and to all other matters pertaining to the administration and enforcement of the provisions of this Article. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

B. The Commissioner of the Revenue may examine books, records, invoices, papers and any and all cigarettes in and upon any premises where the same are placed, stored, sold, offered for sale or displayed for sale by a seller or dealer.

**Sec. 25-264. - Tax is in addition to other taxes.**

The tax levied and imposed by this Article shall be in addition to all other taxes of every kind levied and imposed by any other Ordinance or law.

**Sec. 25-265. Violations of article—Generally.**

A. Any person violating any of the provisions of this Article shall be guilty of a Class 1 misdemeanor. In addition, any person who shall perform any fraudulent act or fail to perform any act for the purpose of evading the payment of any tax imposed by this Article shall be required to pay a penalty in the amount of fifty percent (50%) and interest not to exceed three quarters of one percent per month upon any tax found to be overdue and unpaid. Conviction and payment of a fine for such violation shall not relieve any person from the payment of any tax imposed by this Article.

B. Each violation of, or noncompliance with, any of the provisions of this Article shall be and constitute a separate offense and shall subject every person convicted thereof to the penalties prescribed.

**Sec. 25-266. Same—Prohibited acts enumerated.**

It shall be unlawful and a violation of this Article for any person:

- (1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this Article or of any part thereof; or for any dealer or seller, with intent to violate any provision of this Article, to fail or refuse to perform any of the duties imposed upon him under the provisions of this article or to fail or refuse to obey any lawful order which the Commissioner of the Revenue may issue under this Article.
- (2) To falsely or fraudulently make, forge, alter or counterfeit any stamp or the printed markings of any meter machine or to procure or cause to be made, forged, altered or counterfeited any such stamp or printed markings of a meter machine or to knowingly and willfully alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps or printed markings of a meter machine.
- (3) To sell any cigarettes upon which the tax imposed by this Article has not been paid and upon which evidence of payment thereof is not shown on each package of cigarettes.
- (4) To reuse or refill with cigarettes any package from which cigarettes, for which the tax imposed has been theretofore paid, have been removed.
- (5) To remove from any package any stamp or the printed markings of a meter machine with intent to use or cause the same to be used after the same have already been used, or to buy, sell or offer for sale or give away any used, removed, altered or restored stamps or printed markings of a meter machine to any person, or to reuse any stamp or printed markings of a meter machine which had theretofore been used for evidence of the payment of any tax prescribed by this Article, or, except as to the County Treasurer, to sell or offer to sell any stamps or printed markings of a meter machine provided for in this Article.

**Sec. 25-267. Same—Presumption of violation by seller.**

A. In the event any package of cigarettes is found in the possession of a seller, without the proper stamps being affixed thereto or without authorized printed markings of a meter machine thereon, and the seller shall be unable to submit evidence establishing that he received such package within the immediately preceding forty- eight (48) hours and that he has not offered the same for sale, the presumption shall be that such package is being kept by such seller in violation of the provisions of this Article and shall subject him to the penalties provided for such violation.

B. Any cigarettes placed in any coin-operated vending machine located within the County shall be presumed for sale within the County. Any vending machine located within the County containing cigarettes upon which the stamp has not been affixed or containing cigarettes placed so as not to allow visual inspection of the stamp through the viewing areas as provided for by the vending machine manufacturer shall be presumed to contain untaxed cigarettes in violation of this Article.

C. Any cigarettes, coin-operated vending machines, counterfeit stamps, or other property found in violation of this Article shall be declared contraband goods and may be seized by the Sheriff or any of his deputies. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes shall be subject to civil and criminal penalties herein provided.

D. In lieu of seizure, the Sheriff or any of his deputies may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of the seal from a vending machine by any unauthorized person shall be in violation of this Article. Nothing in this Article shall prevent the seizure of any vending machine at any time after it is sealed.

E. All cigarette vending machines shall be plainly marked with the name, address and telephone number of owner of the machine.

**Secs. 25-268--25-270. Reserved.**

This Ordinance shall be effective on and from the 1<sup>st</sup> day of January, 2022.

Adopted this 23<sup>rd</sup> day of August, 2021.

## **Consideration to Authorize RFP for Municipal Software Evaluation**

### **Consulting Services:**

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

"Since FY 2019, the Capital Improvement Plan has included the County's intent to evaluate the purchase of an off-the-shelf financial management software system that incorporates department activities, to

include Constitutional Officers, into an integrated business management system. Staff recommends procuring the services of a consultant in FY 2022 to assess our current platforms, provide a recommendation to senior leadership, etc. The draft scope of services is listed below.

SCOPE OF SERVICES:

- Offerors shall include in their proposal a description of any significant task not listed in the Scope of Services which they know to be necessary either as reimbursable expenses under the Contract or as a service to be contracted for separately by the County.

- The successful Offeror shall assist the County in completing a financial management system needs assessment, develop a plan of action to address the needs identified, assist in preparing a RFP, review proposal, recommend a vendor, and assist in contract negotiations.

- The successful Offeror shall assist the County to understand the full costs of the upgrade or replacement project (i.e., software, hardware, data migration, training, etc.).

- The successful Offeror shall provide services including, but not necessarily limited to, the following tasks:

- Evaluation of current systems and needs assessment - the needs assessment is comprised of the following core modules to the current financial management system:

- Accounts Payable
  
- Payroll

- General Ledger
  - Purchasing
  - Human Resources
  - Commissioner of the Revenues
  - Treasurer
  - Miscellaneous Revenue
- Review, evaluate, and document existing system.
  - Determine and document the functional requirements necessary to meet the needs of the County.
  - Identify deficiencies within the current system that can be enhanced with a new financial software solution as well as proposed opportunities for improved system design and efficiency.
  - Identify other relevant system or resource components or issues that may factor into the need to replace or enhance the current financial system.
  - Conduct business process reviews and make recommendations. It is expected that the consultant would conduct a series of on-site interviews with the various departmental and agency users to fully assess the requirements for a financial management system and ancillary processes.
  - Communicate results of the business process reviews and the recommendations to senior management verbally and in a written report.
  - The successful Offeror shall create a comprehensive plan of action to implement solutions to issues identified with task identified in above,

including estimated costs. The plan of action shall include a prioritization of solution requirements, potentials for phasing-in solution implementations, suggested timeframes for implementing the project, and estimated costs for potential replacement options, including software, hardware, data conversion, and training.

- Based on the results of the needs assessment and action plan, the successful Offeror shall assist the County staff in preparing a comprehensive RFP for distribution to prospective vendors for the purchase, installation, data conversion, and implementation of a financial management software/hardware solution. This shall include assisting the County in identifying potential vendors and facilitating questions and responses through the RFP process:

- Create functional requirements specifications
- Create technical specifications
- Assist the County with RFP document
- Create vendor evaluation document and criteria
- Identify potential vendors

- Evaluation and selection of a vendor: the consultant shall assist County staff in evaluating vendor proposals by attending on-site demonstrations from vendors, and recommending one or more vendors with whom the County would enter into contract negotiations.

- Evaluate and compare the proposals

- Recommend a vendor and an implementation plan
- Project management: the consultant shall assist County staff w/project management services to assist with the financial management software implementation plan negotiated with selected vendor.

SELECTION CRITERIA:

Proposals will be evaluated by Rockbridge County using the following:

CRITERIA	MAXIMUM POINT VALUE
1. Specific plans or methodology to be used to perform services	25
2. Professional qualifications of management and staff to be assigned to the project	20
3. Estimated cost of services to complete the Scope of Services	20
4. Demonstrated ability to meet project timelines	20
5. References	10
6. Geographic proximity to Rockbridge County	5
Total	100

- Virginia Code section § 2.2-4303.C, communicates that, upon a written determination made in advance by the local governing body that competitive sealed bidding is either not practicable or not fiscally advantageous to



the public, goods, services, or insurance may be procured by competitive negotiation.

- Staff believe this work falls under non-professional services.
- Staff feels that, in order to ensure that we gain the best service for the County and to meet the intent of the scope of services, we will be better served by issuing a Request for Proposals, rather than an Invitation for Bids. This recommendation is based on the fact that the County would be best served by soliciting the most technically-qualified provider of services, rather than the lowest bidder. In addition, an experienced proposer may offer recommendations which may prove beneficial and cost-effective to the County.

Should the Board agree with staff, appropriate procurement language will be added to the RFP prior to issuance."

Supervisor Lewis mentioned having the provider look at a software that works hand-in-hand with the software used by the School Division.

Mr. Bolster replied that there was language in the RFP that mentioned that.

Supervisor Lewis moved to Board action to authorize issuance of a request for proposals for the services outlined in the scope of services, finding that an Invitation to Bid is neither practicable nor fiscally advantageous to the public for the reasons stated. 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

**Update on Solid Waste Collection Centers:**

Solid Waste and Recycling Manager Daniel Mear briefly reviewed the agenda item which included the following information:

"The Solid Waste Committee (Supervisors Ayers and Day) held a meeting on August 18, 2021 to discuss current and future projects in the Solid Waste and Recycling Department. The projects discussed include: the Natural Bridge Station Collection Center, the Murat Collection Center and a new site potential at the location of the current Gibbs Runn unstaffed center. The Gibbs Run site is being considered for a modified site location, with trash collection but not recycling. In an effort to ensure funding availability the Committee also looked at updating CIP funding for these projects. Listed below is an itemized update on projects:

- Natural Bridge Collection Center: This project is currently awaiting the land purchase agreement to be signed by Mr. Locher's lawyer. Once the sale has been closed, staff is prepared to advertise an IFB and move forward with the project.
- Murat Collection Center: The Murat Collection Center is scheduled to be redesigned with the addition of a throw-down hopper/compactor placed on site and the removal of front load cans. Perkins and Orrison have completed a boundary survey for the redesign, and this

project is awaiting the final purchase of land from the Deacon Family.

- Gibbs Run Hybrid Site - Staff are in the beginning stages of developing the current unstaffed collection center into a modified collection site at the intersection of Raphine Road and Gibbs Run Lane. Currently the plan would be to work with VDOT and the adjacent landowner, to acquire .75 to .80 acres of land to construct a collection site with a throw-down hopper/compactor for trash disposal. This modified site would not accept any recycling and would be gated and secured overnight, with cameras present as a deterrent for illegal dumping.

Using the final costs for the November 2019 Fancy Hill Collection Center project, staff re-estimated costs for individual project completion. Currently the County CIP budget for the Natural Bridge Station project is \$293,140 in FY2022. The FY2022-2026 CIP has \$161,400 budgeted for the Murat site upgrade. Both the Natural Bridge Station and Murat projects will need additional funds totaling \$236,093 which staff has found in the Construction Project Fund. The Gibbs Run modified site is an opportunity that has become available during the summer of CY2021 and is not in the current CIP. Based on our estimates, and obtaining the adjoining property, we will need approximately \$285,254 to construct the Gibbs Run Site. The Solid Waste Committee is recommending that the additional funding estimate be transferred from the General Fund to the Construction Project Fund from realized surplus in FY2021 to complete this

project. If the recommendation is approved to support the transfer, staff will include an appropriation request at the next meeting."

Mr. Bolster advised that appropriating the funds would be come after the property is secured.

At request of Supervisor McDaniel, Chairman Lyons placed this item briefly on hold to allow for the 6:00 p.m. public hearing.

**Public Hearing at 6:00 P.M.:**

**Andrea Stogdale and Scott Dameron - (170 Rocking Star Lane - Plank Road) - Application for a Special Exception Permit to Operate a Campground in the Agricultural and General Uses (A-2) Zoning District:**

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

"Andrea Stogdale & Scott Dameron, 170 Rocking Star Lane, Natural Bridge, VA 24578, have submitted an application for a special exception permit in order to operate a campground. The proposed campground is located on property owned by Scott Dameron and is located in the Agricultural and General Uses (A-2) zoning district and per section 603.03-15 of the Rockbridge County Land Development Regulations, a campground is a use by special exception in the A-2 District. The property is located near 170 Rocking Star Lane, Natural Bridge, VA 24578, and is on the east side of Plank Road (Route 610) approximately 0.68 miles north of

the intersection of Plank Road (Route 610) and Broad Creek Church Road (Route 734) and further identified as tax map number 96-2-C1.

The campground is proposed on approximately one (1) acre of the 5.74-acre lot. Mr. Scott Dameron owns an additional 10.77 acres to the east and the Dameron Family (Jerry and Deborah Dameron) own the adjoining property (TM# 96-2-E -17.97 ac) to the south. Per the written description of the plan, the campground is proposed to have ten primitive camping sites with no water, electric, or sewage disposal available. The campground will also include two portable toilets and one small storage shed. The proposed access to the campground is through Rocking Star Lane (Private Road), The applicants have met with VDOT and have discussed the required improvements that will be required to the existing entrance (Rocking Star Lane).

On August 11, 2021, the Planning Commission held its Public Hearing and has recommended approval of the Special Exception Permit Application with the following conditions:

1. Substantial Compliance with the proposed site plan titled "Campground Map" dated July 14, 2021.
2. Campground is limited to primitive tent camping only. No motorhomes, tow-behind campers (such as pop-up campers, toy haulers, teardrop trailers, stand-up trailers, travel trailers, etc.) or other recreational vehicles (ATV, Dirt bikes, side by sides, etc.) permitted.
3. Campground is limited to twenty-two (22) vehicles and not to exceed forty-five (45) people.

4. All users are required to be notified and acknowledge that the campground is within the 100-year special flood hazard area. Campground owner shall utilize the Alert Rockbridge notification system and will provide instructions upon check-in about accessing the Alert Rockbridge System.
5. Campground owner(s)/operator(s) are responsible for installing and maintaining signage identifying the address and the limits of the campground.
6. The campground will be addressed and install E911 signage.
7. The porta-john(s) and picnic tables shall be anchored in order to secure the improvements to the site, contingent on Building Department review and approval. The storage shed is required to have a building permit.
8. The use of generators is prohibited.
9. All trash shall be taken directly to the landfill and not to County Collection Centers or County green boxes.
10. Patrons of the campground are limited to ten (10) consecutive days of camping.
11. Approval contingent on final VDOT, Office of Fire, Rescue and Emergency Management, Building Department, and Health Department approvals.

Staff has modified condition number two to include "(ATV, Dirt bikes, side by sides, etc.)" this language was not included in the actual motion

but was discussed at the Planning Commission Meeting. Per the discussion, prohibiting these types of vehicles was the intent of the Planning Commission recommendation, therefore staff felt that it would be beneficial to include in the draft conditions for the Board consideration."

Applicants Ms. Stogdale and Mr. Dameron addressed the Board at the podium. Ms. Stogdale advised that she had spoken with the neighboring property owner who had horses and advised that they would be placing signage on the property to address their concerns. She also advised that they were looking into a "smokeless" campfire to address a second concern and providing directions from the interstate and not along Route 11 to address the concern about traffic. Ms. Stogdale advised that they would be installing signage with facts about the importance of not feeding the horses, also.

Supervisor Lewis asked if there was a structure on the site to allow for a 911 address.

The applicants replied, there was not currently, but a storage building may be added.

Supervisor Ayers advised that she had visited the location of the camp site and asked the applicants what their plans were for clearing the sites up-to the creek itself. She noted that 35' is the minimum for a repairing buffer.

Ms. Stogdale advised that they planned to clear just the 1600 square feet for each site per state code and not to clear in-between the sites.

Mr. Dameron advised that the sites would be cleared up-to the creek.

Supervisor Ayers asked the applicants to consider looking into the repairing buffer.

Ms. Stogdale concurred.

Supervisor McDaniel asked if the concerns made by the neighbor had been resolved.

Ms. Stogdale replied, yes.

At 6:22 p.m., Chairman Lyons opened the public hearing. There were no comments. Therefore, Chairman Lyons then closed the public hearing.

Supervisor McDaniel moved to adopt the ordinance. 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 ROCKBRIDGE COUNTY ADMINISTRATIVE  
OFFICES ON MONDAY, AUGUST 23, 2021

**Ordinance to Grant a Special Exception Permit to Andrea Stogdale and Scott M. Dameron, d/b/a Rocking Star Campground, to Develop and Operate a Primitive Campground in the Agricultural and General Uses District (A-2), on a Parcel of Land Containing 5.74 Acres, +/-, Located on the East Side of Plank Road, and Identified as Tax Map #96-2-C1, Owned by Scott M. Dameron, in the Buffalo Magisterial District**

WHEREAS, Andrea Stogdale and Scott Dameron have filed an application for a special exception permit to develop a primitive campground in the Agricultural and General Uses District (A-2), on a parcel of land containing 5.74 acres, more or less, located on the east side of Plank Road in the Buffalo



Magisterial District, identified as Tax Map #96-2-C1, as shown on the site plan titled "Campground Map" dated July 14, 2021; and,

WHEREAS, the Planning Commission held a public hearing on this matter on August 11, 2021, and recommended approval with the specified conditions; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on August 23, 2021; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County, and the public interest.

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

1. That the Board finds that the granting of a special exception permit to Andrea Stogdale and Scott Dameron, d/b/a Rocking Star Campground, to develop and operate a primitive campground per section 603.03-15 of the Rockbridge County Land Development Regulations in the Agricultural and General Uses District (A-2), on a parcel of land containing 5.74 acres, more or less, located on the east side of Plank Road in the Buffalo Magisterial District, identified as Tax Map #96-2-C1, as shown on the site plan titled "Campground Map" dated July 14, 2021, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby approved with and subject to the conditions set out on Exhibit A attached hereto and incorporated herein by reference.

2. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 23<sup>rd</sup> day of August, 2021.

Recorded Vote:

AYES: McDaniel, Ayers, Lewis, Day, Lyons  
NAYS: None  
ABSENT: None  
ABSTAIN: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Daniel E. Lyons, Chairman

Attest: \_\_\_\_\_  
Spencer H. Suter, Clerk

### EXHIBIT A

#### SPECIAL EXCEPTION PERMIT CONDITIONS

**Owner: Scott M. Dameron**  
**Applicant: Andrea Stogdale and Scott M. Dameron**  
**d/b/a Rocking Star Campground**

1. Substantial Compliance with the proposed site plan titled "Campground Map" dated July 14, 2021.
2. Campground is limited to primitive tent camping only. No motorhomes, tow-behind campers (such as pop-up campers, toy haulers, teardrop trailers, stand-up trailers, travel trailers, etc.) or other recreational vehicles (ATV, Dirt bikes, side by sides, etc.) permitted.
3. Campground is limited to twenty-two (22) vehicles and not to exceed forty-five (45) people.
4. All users are required to be notified and acknowledge that the campground is within the 100-year special flood hazard area. Campground owner shall utilize the Alert Rockbridge notification system and will provide instructions upon check-in about accessing the Alert Rockbridge System.
5. Campground owner(s)/operator(s) are responsible for installing and maintaining signage identifying the address and the limits of the campground.
6. The campground will be addressed and install E911 signage.
7. The porta-john(s) and picnic tables shall be anchored in order to secure the improvements to the site, contingent on Building Department review and approval. The storage shed is required to have a building permit.
8. The use of generators is prohibited.

9. All trash shall be taken directly to the landfill and not to County Collection Centers or County green boxes.
10. Patrons of the campground are limited to ten (10) consecutive days of camping.
11. Approval contingent on final VDOT, Office of Fire, Rescue and Emergency Management, Building Department, and Health Department approvals.

**Update on Solid Waste Collection Centers, *continued*:**

Supervisor McDaniel asked for a breakdown of the money being used for Gibbs Run.

Mr. Mear explained that the funding would be used to purchase the land, the equipment such as the hopper, a wall, and electrical costs. He further explained that the site will be unstaffed, however, the gate will be closed at night.

Supervisor McDaniel asked if there are issues with the current site.

Supervisor Lewis replied, yes, a boat was found left there and there is an issue with feral cats. He added that there is belief that, given the location, not all of the dumping is coming from County residents.

Supervisor Ayers shared that she had heard there were a lot of fines being written.

Supervisor Lewis advised that most of the funding for this project was already budgeted for years ago when looking to build a new site.

Mr. Mear advised that there would be 24/7 cameras going in at the new site.

Supervisor McDaniel asked what the end result will be in regard to collection sites.

Mr. Suter replied that, ultimately and per the original solid waste plan, the end result was to eliminate open can sites.

There was no objection for staff to continue negotiations with the land owner to purchase the land.

**Board Comments:**

Supervisor McDaniel asked that VDOT be contacted again to see what could be done to help eliminate tractor trailer traffic from Glasgow over route 684 and Tinkerville Road. He advised that a GPS device is sending truckers along that path where they are prohibited due to safety hazards.

Mr. Suter advised that the Sheriff asked State Troopers to triple their patrolling of that route and that deputies are increasing patrols as much as possible. He advised that the GPS system being used by the truckers require a log in and the County does not have a way to do that.

Supervisor McDaniel shared his appreciation to the State Troopers and County Sheriff Deputies who are patrolling.

Chairman Lyons asked Mr. Suter to touch base with VDOT on this situation.

Mr. Suter concurred.

Chairman Lyons advised the Board, staff, and members of the public of the Rockbridge Regional Fair beginning Thursday, August 26<sup>th</sup> through Saturday, August 28<sup>th</sup>.

**Adjournment:**

Supervisor McDaniel moved to adjourn this meeting at 6:47 p.m. 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