

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, SEPTEMBER 13, 2021 AT 5:30 P.M.

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

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 a moment of silence in remembrance of the 9/11 tragedy 20 years ago.

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:

Introduction of New RARO Director Chad Coffey:

Mr. Suter introduced Chad Coffey who was recently hired as the new RARO Director.

Mr. Coffey shared his appreciation of being appointed as the new Director and shared that RARO sports were underway and attendance was in-par with pre-Covid participation.

The Board welcomed Mr. Coffey.

Citizens Comments:

Chairman Lyons called for citizens comments. There were none.

Approval of the August 23, 2021 Minutes:

Supervisor McDaniel moved to adopt 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

Consideration of the County Financial Package:

Fiscal Services Director Steven Bolster his monthly memorandum and County Appropriation Resolution.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, SEPTEMBER 13, 2021 AT 5:30 P.M.

On motion by Supervisor McDaniel, seconded by Supervisor Lewis, 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:

4-11-12090-3001 Contracted Services.....	\$25,000.00
4-11-32021-3002 Contracted Services.....	\$89.00
4-11-32021-5101 Electricity.....	\$2,364.00
4-11-32021-5102 Water and Sewer.....	\$156.00
4-11-32021-5104 Heating.....	<u>\$47.00</u>
Total General Fund Appropriations	\$27,656.00

ARPA 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 **ARPA FUND** and expended as follows:

4-205-51905-0001 ARPA Funds.....	<u>\$2,192,271.00</u>
Total ARPA Fund Appropriations	\$2,192,271.00

Total Appropriations **\$2,219,927.00**

Current County

11 - General Fund	\$810,535.91
94 - Central Stores	\$9,602.13
376 - Capital Purchases Fund	<u>\$3,470.68</u>

Total County Bills **\$823,608.72**

Current Fiscal Agent

241 - E-Summons Fees	\$1,000.29
721 - Comm Atty Forfeiture Fund	<u>\$2,800.00</u>

Total Fiscal Agent **\$3,800.29**

TOTAL ALL BILLS **\$827,409.01**

2021 Rockbridge Regional Fair and Expo Review:

Janelle Vess, Chair of the Regional Fair Board, provided an overview of the successful 2021 Fair noting there were approximately 4,500 attendees overall. She shared her appreciation to Glasgow town staff for their efforts in supporting the Fair.

Chairman Lyons commended Ms. Vess and her Board Members, as well as Glasgow town staff.

Consideration of Private Ambulance to Operate in the County:

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

"In late July, staff was contacted by Andy Bowles, founder of Kiwi Emergency Medical Services, in partnership with Matt Daniels who currently owns and operates First Response Medical Training. Matt will be merging his company with Kiwi in preparation to start up a medical ambulance transport company in Rockbridge County, located at Magnolia Square.

The company will focus on non-emergent transports of patients to and from nursing homes, dialysis centers, and transports from Rockbridge Community Hospital to Roanoke Memorial and the University of Virginia. Currently, we do have a need in our area for this type of service. Traditionally, Carilion Clinic Patient Transport (CCPT) has provided this type of service. Although CCPT remains in business, of late, the availability of locally staffed CCPT ambulances through the hospital system has decreased, causing extended wait times for patients to get to a higher

level of care, back to a residence, nursing home or to doctor's appointments.

In addition to the non-emergent transports, the company will continue the event standbys (VA Horse Center) and to provide education, such as CPR and First Aid classes, to businesses that require such training. In addition to all other services provided, Kiwi Emergency Medical Services has requested approval for emergency response within the County to provide EMS assistance in our current system. Essentially, modeling after an agreement that originated between the City of Lexington and CCPT to provide ambulance assistance when/if available with EMS response when an ambulance is on an existing call and additional responses were pending.

Board approval is required in order for Kiwi Emergency Medical services to provide emergency response in our locality, as described by the Virginia Office of EMS code 12VAC5-31-420. VAOEMS requires that any licensed EMS agency have on file a resolution from the local governing body where the agency is based, authorizing the agency to operate.

In addition to the VAOEMS code section, the County Code requires a permit as stated in Sec.14-12. On August 17, 2021, as part of the approval process to gain authorization to operate within the County, Mr. Bowles presented the plan to the Rockbridge Volunteer Emergency Officers Association. Once presented and discussed, the Association ultimately voted to recommend approval of the company's start up."

Mr. Bowles shared a brief history of working with the Virginia Horse Center and advised that he hopes to be able to fill the current void

thought the County in regards to medical transportation. He then read aloud a letter of support from Rescue Chief Steve Reese, Vice President of the Rockbridge Fire and Rescue Association.

Chairman Lyons advised Mr. Bowles that RATS currently had a need for transport service via stretcher and suggested he talk with Michelle Watkins who was present.

Supervisor Day asked where the transportation vehicles would be housed.

Mr. Daniels advised that they currently rent an office space from Dr. Hull at east Lexington and the equipment would be housed there.

Supervisor McDaniel asked Mr. Bowles if his business would bill insurance companies directly.

Mr. Bowles replied, yes.

Mr. Bowles advised that they plan to have a total of 5 transportation vehicles and between 16 and 20 employees.

Supervisor McDaniel inquired about utilizing the 911 dispatch services.

Ms. Huffman advised that the County Code would need to be amended if ever the Board approved the business as part of the County's Safety Plan.

Supervisor Day asked when their business planned to begin operating should the Board approve.

Mr. Bowles replied, mid-November.

Supervisor Lewis moved to adopt the authorizing resolution presented by Ms. Huffman prior to the meeting. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, SEPTEMBER 13, 2021

RESOLUTION TO AUTHORIZE KIWI EMERGENCY MEDICAL SERVICES, TO OPERATE A NON-RESPONSE, PRIVATE TRANSPORT AGENCY AND ON-SITE STANDBY EMERGENCY MEDICAL SERVICE IN ROCKBRIDGE COUNTY

WHEREAS, Kiwi Emergency Medical Services, (KEMS) is a private transport company seeking licensure by the Virginia Office of Emergency Medical Services (VAOEMS); and,

WHEREAS, VAOEMS regulations require that the governing body, where a VOEMS licensed EMS agency is sited, authorize the agency to operate and designate the authorized area of operation; and,

WHEREAS, KEMS will be providing only scheduled non-emergent patient transports and standby EMS services at locations in the County, such as the Virginia Horse Center; and,

WHEREAS, KEMS is not considered as part of the County's official Safety Program, as set forth in Rockbridge County Code, Chapter 14; and,

WHEREAS, KEMS has acknowledged its requirement to comply with all applicable State and Local codes and regulations.

NOW THEREFORE, BE IT RESOLVED that, pursuant to 12VAC5-31-420 of the Virginia Administrative Code, Kiwi Emergency Medical Services, is hereby authorized to operate a non-response, private transport agency and on-site standby EMS services in Rockbridge County, with a

service area within the geographic boundaries of the County, subject to adherence to all applicable State and Local codes and regulations.

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

Adopted this 13th day of September, 2021.

COVID Update:

Deputy Chief Kevin Moore provided an update which included the following key points:

- Statewide and Countywide, sharp rise in cases since early July
- Cases peaked in January at about 3200 daily until July 5th where it decreased to about 195 patients hospitalized daily
- By September 9th, the Statewide number increased to about 2200 patients hospitalized daily
- There is a two month increase in hospitalizations of just over 1000% and new cases are up 1200%
- 0.4% of new cases are breakthrough cases
- Fully vaccinated rate of hospitalizations is 16 thousandths of a percent
- Fully vaccinated rate of deaths is 32 ten-thousandths of a percent
- Rockbridge Carilion Community Hospital reports very similar numbers regarding unvaccinated persons being admitted to the hospital and most of those are immunocompromised
- Rockbridge Carilion also reports that they are running near capacity daily and have postponed some elective surgeries

- Rockbridge Carilion is seeing about 5 to 7 inpatient covid cases per day and the emergency room visits are inconsistent around 2 to 10 patients daily but there has been 20 to just over 40 at one time
- Rockbridge Carilion reported that this past month was the most active month throughout the entire pandemic
- Virginia vaccination rate of adult population is around 65% with Rockbridge County nearly mirroring that rate at 63.3% and Rockbridge County's rate of 12 and older is slightly less at 61.8%
- Vaccines are still available; over 14,000 were administered at the old Peebles facility

Chairman Lyons asked Deputy Chief Moore to explain the protocol for Covid exposure.

Deputy Chief Moore advised that vaccinated individuals who have been exposed to Covid do not have to quarantine, but are recommended to be tested between 3 and 5 days after the exposure, and wear a mask for 14 days. As for unvaccinated individuals, he stated, no sooner than day 5 you should be tested and quarantine immediately. Isolation parameters have not changed and remain 10 days from first symptoms or from date of test for non-symptomatic persons.

Consideration of Use for ARP Funds for Broadband Grant Match:

Supervisor Lewis read aloud the following abstention statement:

"I abstain from all matters, discussions, or voting related to the use of ARPA funding for broadband grant match and approval of the commitment agreement with BARC and RANA, and my disclosure statement required under Virginia Code §2.2-3115 (F) is on file with the Clerk to the Board of Supervisors."

Supervisor Lewis then left the dais.

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

"As you are aware, the Commonwealth has dedicated \$750M to assist rural localities in achieving universal broadband accessibility. As with past broadband initiatives, the funding will be distributed via competitive grant through the Virginia Telecommunications initiative (VATI). Over the past month I have worked with various groups and individuals to assemble a grant application which we feel will be competitive.

The goal of the application is to extend fiber to the home/business in areas of the County which are as-of-yet unserved. As broadband expansion continues, one significant challenge is clearly identifying unserved areas. Heretofore, we have had to rely on FCC mapping to identify unserved areas. The general definition of "unserved:" is those areas where at least 25/3 Mb (download/upload) speeds are not available. Often, official FCC maps and data delineate areas as served, which anecdotally we know are not.

The combination of the Rockbridge Area Network Authority (RANA) and its Internet Service Providers (ISPs) and BARC Connects has made fiber-to-the-premise possible in many areas of the County. Other areas are served by Comcast. Our target is the remaining areas of the County. Recently, Dominion Energy has entered the broadband realm by offering to partner with ISPs to provide middle and last mile fiber to homes and businesses. As noted above, we have worked with all three groups (RANA, BARC Connects and Dominion) to develop a plan to bring fiber to the unserved areas. Given staffing limitations, we have again tapped the resources available through the Central Shenandoah Planning District Commission (CSPDC), which is coordinating application efforts. The areas we have identified are all in the Dominion Energy service territory, as the BARC service territory is or will be served by the end of 2023 via previously planned efforts by BARC Connects. We propose to apply for 14 individual project areas, 9 of which are located in the Dominion Energy service area, bringing fiber-to-the-premise to an additional 2,362 County residences and businesses. We propose that BARC Connects, in cooperation with Dominion Energy, complete 13 of the projects and RANA, one. A main reason for the disparity in the number of projects is that BARC Connects proposes to provide a 50/50 grant match for the work planning in its 13 areas. RANA is not in the position to provide a match. We have learned from VATI that applications with at least a 45% local match are likely to be funded under this round of grants. We also know that the Commonwealth's expectation is that localities utilize a portion of the directly-received American Rescue Plan Act (ARPA) funds as match. Given that RANA's project is estimated to

cost \$4,365,000, the request is for the Board to fund up to \$ 1,964,250, or 45% of the cost.

One requirement of the grant application is submission of a commitment agreement, accepted by the grant partners. A copy of an agreement is attached for your consideration. Please note that the Rockbridge County EDA has already pledged support for the application, and would serve as the fund distribution mechanism (both state and local funds). If successful in award, we would develop a simple performance agreement for both BARC Connects and RANA, to distribute funds in support of the fiber extension. The grant application is due to the state by September 14 (the day after the Board meeting). Typically, I would have brought the funding request forward at least two to four weeks prior to the submission deadline, but as I have communicated over the past month, the process of identifying unserved areas and developing detailed budgets for implementation have taken a great deal of time.

Applications submitted by localities across the state will be evaluated and notification of awards are expected to be issued later this fall. If awarded, the state funding would come to the County and, together with the local match, would be administered by the EDA with assistance from County staff and the CSPDC. Construction would begin in early 2022."

Supervisor McDaniel moved to dedicate up to \$1,964,250 of ARPA funds toward universal broadband expansion as described above; and to authorize the County Administrator to execute the commitment agreement and submit

the grant application on September 14. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

Policy for Board of Supervisors Meetings:

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

"The current Continuity of Government Ordinance will expire on October 5, 2021. The declared state of emergency and disaster remains in effect, but with the release of most restrictions, normal County operations and Board meetings have resumed for the most part. The Board has the option of re-adopting the Continuity of Government Ordinance, so it will be in place in the event the flexibility it allows is needed. In the alternative, the Board may allow the Ordinance to expire.

Upon expiration of the Continuity of Government Ordinance, the Electronic Meeting Policy will remain in effect to allow Board members to participate in meetings electronically, when a Board member cannot be present.

Several additional questions remain related to electronic participation in meetings or viewing meetings by the public:

1. Does the Board want to continue live-streaming its meetings, with the additional capability of viewing the meetings at a later time?

2. Does the Board wish to allow public comment and/or public hearing comment electronically? Or, alternatively, does the Board want to resume pre-covid meeting procedures, by accepting public and public hearing comments only from those who attend in person?

3. Does the Board want to solicit written public and public hearing comments to be read into the record? Or, as before, does the Board want to simply receive copies of any written statements submitted?"

Supervisor Ayers moved to authorize scheduling a public hearing for September 27th for consideration to re-adopt the Continuity of Government Ordinance. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

Mallinckrodt Bankruptcy Plan Vote:

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

"Mallinckrodt ("MNK") is an opioid manufacturer and defendant in the opioid litigation for its role in creating the opioid epidemic. MNK filed for bankruptcy protection in the face of its opioid-related liabilities.

A proposed plan for the disposition of MNK's assets is scheduled for a vote on September 17, 2021. Certain points of the MNK bankruptcy plan remain the subject of active negotiation but the plan as a whole has reached a point over the Labor Day weekend that has allowed outside

counsel (Andrew Miller) to make a recommendation to vote in favor of the plan.

The MNK bankruptcy plan follows form in many respects with the recently-approved Purdue bankruptcy plan, but it is more straightforward because it does not contain the third-party Sackler releases that were so controversial in Purdue. Major components of the Mallinckrodt bankruptcy plan are as follows:

- The bankruptcy estate is valued at approximately \$1.6 billion. Of that total, approximately \$1.25 billion will be allocated to public claimants (states and their localities). The remaining amounts will be allocated among other claimants, such as Native American Tribes, third party payors, public & private hospitals, children affected by Neonatal Abstinence Syndrome, and personal injury claimants.
- Virginia's share of the public claimant funds is approximately \$28.5 million. That money will be allocated within Virginia pursuant to the terms of our recently finalized Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding with the Attorney General's Office.
- Localities in Virginia will receive approximately \$11 million, which may be spent at localities' discretion, with the caveat that the expenditures must be related in a broad sense to opioid abatement.

- Localities will also be eligible to benefit from an additional \$13 to \$14 million that is allocated for award by the Opioid Abatement Authority throughout Virginia.
- The time period for payment of the funds is not yet finalized.

Outside counsel has recommended that their locality clients authorize them to vote to approve the plan before the voting deadline of September 17th."

Supervisor Lewis moved to authorize outside counsel (Sanford Heisler Sharp LLP, et als) to cast Rockbridge County's vote in favor of the Mallinckrodt Bankruptcy Plan. 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

Appointments:

There were none.

Monthly Staff Reports:

Supervisor Lewis moved to accept the reports. 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

Board Comments:

Chairman Lyons advised that there would be a called meeting on Monday, September 20, 2021 at 5:30 p.m. for a multi-jurisdictional meeting located at the Virginia Horse Center at 487 Maury River Road.

Supervisor McDaniel shared that the Regional Fair had a great turnout and received positive comments by the public.

Supervisor Lewis shared that future Fairs are planned in Glasgow.

Supervisor McDaniel stated that he would like for the Board to continue live-streaming its meetings regardless of the pandemic status.

Continued Meeting:

Chairman Lyons continued this meeting until Thursday, September 16, 2021 at 5:00 p.m. for a Joint Meeting with the School Board at Maury River Middle School.