

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, SEPTEMBER 27, 2021 AT 4:30 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 4:30 p.m.

Lodging Tax Compliance Discussion:

County Administrator Spencer Suter briefly reviewed the agenda item which included the following information:

"Even prior to the COVID pandemic, bed and breakfast and homestay rentals were on the increase nationally. However, over the past 18 months, we have seen a significant uptick in nonresidents' (particularly from more urban / suburban areas) interest in seeking getaways to more rural settings such as Rockbridge. B&B and homeowners renting space, or their entire home are subject to a local 10% lodging tax, which is reported and paid voluntarily, on the honor system.

As the business has increased, some proprietors have expressed concern that not all rentals are properly reported and the tax paid. We have also discovered that some proprietors erroneously believe that booking platforms such as Air B&B and VRBO collect the required tax and remit it to the locality.

As a result of the increase in rentals, some companies now offer data mining services which help localities ensure that every effort is made to collect lodging taxes fairly. We have researched these services and, after discussion with Commissioner of Revenue David Whitesell, propose to extend that discussion to the full Board for consideration of procuring such service. If after discussion, the Board feels it prudent to further pursue, we would recommend seeking a short-term subscription, to ascertain cost/benefit."

Commissioner of the Revenue David Whitesell advised that a new law went into effect on September 1st that allows Air B&B's and VRBO properties to collect the tax instead of the Commissioner of the Revenue and they would be responsible to submit the tax to the Commissioner's Office. He noted that this was new information that he had learned about just that (Monday) morning.

Supervisor Ayers asked if there would be any benefit to having the service audit the to confirm what they send the Commissioner's Office.

Mr. Whitesell advised that he was unsure if those businesses would do an audit. After discussion, he clarified that the service would not be characterized as an audit - rather a summary of booking data. He then

stated that there could be confusion based on zip code, as many County addresses have Lexington or Buena Vista zip codes. Therefore, those cities could be receiving County taxes if the businesses relied solely on zip code. He shared his opinion that he would be in favor of using this tool as long as it fairly benefits the citizens by giving what is due to the locality.

Mr. Suter suggested that the Board wait until it receives additional information from the State, funneling all questions through him to forward to the Commissioner's Office, and should Board Members wish to add this to a future agenda, they speak with Chairman Lyons.

Discussion on Floyd S. Kay Center Study:

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

"At a joint meeting of the Board of Supervisors and the School Board on September 16th, the Board received a report from the School Division regarding planning for upgrades the Floyd S. Kay Technical Education Center adjacent to the Rockbridge County High School. The report included rough cost estimates developed by the School's consultant, Quinn Evans. Topics of discussion included timelines and funding options. The Board was supportive of moving forward to obtain additional information, including a more detailed cost estimate, which would require procurement of architectural / engineering services. The thought at the meeting was to procure phased services, with the initial phase being more detailed

design and cost estimation, followed by final design, procurement and construction administration should the determination be made to move the project forward. After discussion, it was determined that the Board would further consider action and funding sources at its next meeting, on September 27th.

In order for the School Division to move ahead, a funding commitment for at least the initial phases of a more detailed study would be required. Options for funding include either the school capital reserve fund, which currently has an unobligated balance of \$878,970 (this includes the agreed-upon emergency reserve floor of \$225,000), or the County general fund reserves."

Chairman Lyons stated that the Board received a good presentation and suggested hiring an architect to see what is needed with a realistic plan for cost estimates. He shared his support of project, stating that times have changed since original construction and the needs of the students have changed.

Supervisor McDaniel agreed with Chairman Lyons and shared his support to use funds from the escrow account until it could be reimbursed.

Mr. Suter advised that the Board could take action during the regular meeting.

Chairman Lyons closed the Work Session at 5:04 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
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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 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:

VACO Presents Supervisor Ayers with Supervisor Certification:

Coordinator of Programs and Development for VACO, Karie Walker, presented Supervisor Ayers with a Virginia Certified County Supervisors Program Certification Award. She advised that the program was designed in 2006 to provide training to enhance leadership and decision-making skills of County leaders throughout the Commonwealth and more than 100

supervisors representing more than 40 counties have completed this training program.

Citizens Comments:

Steve Hart of the Kerrs Creek Magisterial District shared the following comment:

"My cadets told me the best lesson I used to teach was: "On the end of every governmental decision is a real mom and a real dad trying to put real food in the mouth of a real kid."

I am here this evening as that real dad that just paid his family's personal property tax. My personal property tax (with tax relief and my volunteer fire department credit) and my real property taxes (with forestry and agriculture land use) together with my county vehicle stickers and my dog licenses mean that I've paid Rockbridge County six thousand, two hundred and five dollars this year for the privilege of living here.

When considering my take home pay from my current job working for one of our local building contractors, this means I have to work 388 hours to pay my county taxes and fees. That's 9.7 work weeks a year just to pay my county taxes and fees. That's over two months just to pay my county taxes and fees. That's 19.2 percent of my work year just to pay my county taxes and fees. The county, at your direction, takes one fifth of my work life each year. I just figured you should hear that.

I realize I also come and ask for money for the fair on behalf of the citizens of the county, but today I'm here to ask you to do less across the board so you can take less from all of us. If it is not a function that it is only possible for the county to do, please stop doing it. Just because someone else won't do it, doesn't mean the county has to do it. Please find a way to do less so you can take less, so we citizens can afford to live here on the wage that jobs pay here."

Approval of the 9/13/2021 Regular Board Meeting Minutes:

Supervisor Lewis moved to adopt the minutes. 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

Consideration of School Appropriation Resolution:

Finance Director Steven Bolster presented the School Appropriation Resolution and recommended approval as presented.

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

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

Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, SEPTEMBER 27, 2021 AT 5:30 P.M.

On motion by Supervisor Day, seconded by Supervisor Lewis, the Board, by record vote adopted the following appropriation resolutions:

NEW GRANTS

FUND 50: SCHOOL FUND

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:

ESSER-CARES III 2021

4-50-63200-1172-903-000-923	Bus Driver.....	\$30,000.00
4-50-61100-1620-220-100-923	Afterschool & Learning....	\$53,400.00
4-50-61100-1620-240-100-923	Afterschool & Learning....	\$31,800.00
4-50-61100-1620-350-100-923	Afterschool & Learning....	\$83,300.00
4-50-61100-1620-260-100-923	Afterschool & Learning....	\$14,630.00
4-50-61100-1620-270-100-923	Afterschool & Learning....	\$28,650.00
4-50-61100-1620-390-100-923	Afterschool & Learning...	\$134,720.00
4-50-61310-1120-901-102-923	Coach & Learning Coord...	\$183,000.00
4-50-61310-1120-901-103-923	Coach & Learning Coord...	\$183,000.00
4-50-61100-1120-390-100-923	ITRT.....	366,000.00
4-50-62220-1131-350-000-923	Nurse.....	\$50,000.00
4-50-63200-2100-903-000-923	FICA.....	\$2,979.00
4-50-61100-2100-220-100-923	FICA.....	\$2,130.00
4-50-61100-2100-240-100-923	FICA.....	\$1,270.00
4-50-61100-2100-350-100-923	FICA.....	\$3,330.00
4-50-61100-2100-260-100-923	FICA.....	\$585.00
4-50-61100-2100-270-100-923	FICA.....	\$1,140.00
4-50-61100-2100-390-100-923	FICA.....	\$5,397.00
4-50-62220-2100-350-000-923	FICA.....	\$3,000.00
4-50-61310-2220-901-102-923	VRS.....	\$3,960.00
4-50-61310-2100-901-103-923	FICA.....	\$1,823.00
4-50-61310-2400-901-102-923	GLI.....	\$300.00
4-50-61310-2750-901-102-923	HCC.....	\$280.00
4-50-61310-2510-901-102-923	VACORP.....	\$200.00
4-50-61310-2300-901-103-923	Medical.....	\$14,000.00
4-50-61100-2220-350-100-923	VRS.....	\$1,980.00
4-50-61100-2100-350-100-923	FICA.....	\$912.00

4-50-61100-2400-350-100-923	GLI.....	\$160.00
4-50-61100-2750-350-100-923	HCC.....	\$145.00
4-50-61100-2510-350-100-923	VACORP.....	\$100.00
4-50-61100-2300-350-100-923	Medical.....	\$7,000.00
4-50-68200-3100-908-000-923	Online Prog VVA.....	\$75,000.00
4-50-61100-3160-220-100-923	Purchase Services.....	\$15,400.00
4-50-61100-3160-240-100-923	Purchase Services.....	\$9,170.00
4-50-61100-3160-350-100-923	Purchase Services.....	\$24,030.00
4-50-61100-3160-260-100-923	Purchase Services.....	4,220.00
4-50-61100-3160-270-100-923	Purchase Services.....	\$8,260.00
4-50-61100-3160-390-100-923	Purchase Services.....	\$38,920.00
4-50-63400-3290-903-000-923	Purchase Services.....	\$120,000.00
4-50-62230-3020-909-000-923	Purchase Services.....	\$807,000.00
4-50-64200-3660-904-000-923	Purchase Services.....	\$50,000.00
4-50-64200-3670-904-000-923	Purchase Services.....	\$580,353.00
4-50-63200-4000-903-000-923	Internal Services.....	\$75,000.00
4-50-64200-5110-904-000-923	Electrical Utility.....	\$75,000.00
4-50-61100-6030-220-100-923	Materials & Supplies.....	\$27,800.00
4-50-61100-6030-240-100-923	Materials & Supplies.....	\$16,600.00
4-50-61100-6030-350-100-923	Materials & Supplies.....	\$44,000.00
4-50-61100-6030-260-100-923	Materials & Supplies.....	\$7,600.00
4-50-61100-6030-270-100-923	Materials & Supplies.....	\$15,000.00
4-50-61100-6030-390-100-923	Materials & Supplies.....	\$69,000.00
4-50-62230-6030-909-000-923	Materials & Supplies.....	\$100,000.00
4-50-64200-6030-904-000-923	Materials & Supplies.....	\$100,000.00
4-50-64200-6007-904-000-923	Materials & Supplies.....	\$130,000.00
4-50-64200-6005-904-000-923	Janitorial Supplies.....	\$152,000.00
4-50-68200-6030-908-000-923	Materials & Supplies.....	\$15,000.00
4-50-64200-6009-904-000-923	Materials & Supplies.....	\$10,000.00
4-50-66200-8100-904-000-923	Capital.....	<u>\$20,000.00</u>
TOTAL FUND 50 APPROPRIATIONS		\$3,798,544.00

FUND 70: SCHOOL CONSTRUCTION FUND

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 70, SCHOOL CONSTRUCTION FUND** and expended as follows:

ESSER-CARES III 2021

4-70-66200-8100-940-005-923	Capital.....	<u>\$333,000.00</u>
TOTAL FUND 70 APPROPRIATIONS		\$333,000.00

TOTAL NEW GRANT APPROPRIATIONS **\$4,131,544.00**

Continued Discussion on Floyd S. Kay Center Study:

Supervisor McDaniel moved to allow the Schools to use escrow funds to complete the study. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

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

Finance Committee Recommendation on Use of ARPA Funds:

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

"On March 11th, the Federal Government approved the \$1.9 trillion American Rescue Plan Act of 2021 (ARPA). This legislation, which established the Coronavirus State and Local Fiscal Recovery Fund, is meant to address the COVID-19 pandemic, to include its impact on public health and the economy. This fund provides \$65.1 billion in direct aid to counties across the US. Rockbridge County's allocation is \$4,384,541. The US Treasury sent the first tranche of \$2,192,270.50 to the County on June 2nd. This allotment is accounted for in Fund 205 (ARPA Fund). The second tranche of the same amount is expected in June 2022. General outlines for how this funding can be used by localities are as follows:

- Respond to the public health emergency with respect to the COVID-19 pandemic or its negative economic impacts.

- Respond to workers performing essential work during the COVID-19 health emergency by providing premium pay to eligible workers (funds can be used retroactively to January 27, 2020).

- For the provision of government services to the extent of the reduction in public sector revenue loss in the most recent full fiscal year prior to the pandemic.

- Make necessary investments in water, sewer, and broadband infrastructure.

Future key dates identified by NACO are listed below:

- October 31, 2021: deadline for counties to submit first quarterly project and expenditure report.

- December 31, 2024: funds must be incurred and obligated.

- December 31, 2026: funds must be expended to cover obligations and all work must be completed.

The Finance Committee continues to meet monthly to discuss the ARPA spend plan options. As you know, at its last regular meeting on September 13th, the Board approved the request to fund up to \$1,964,250 in ARPA funding towards a competitive grant application with the Virginia Telecommunications Initiative (VATI). Subsequent discussions of the finance committee have resulted in additional spend plan recommendations to include:

- RCPSA sewer capacity study; estimated cost = \$122,100

- IT license and support services; estimated cost = \$45,294
- Regional housing study; estimated cost = \$15,000

Below are other potential fund uses which the Finance Committee has discussed:

- Previous revenue reductions
- County infrastructure/CIP projects
- School Division improvements (RCPS allocated \$4,131,544 in state funding)
- Other regional agency projects (PSA, MSA, Jail, etc.)
- Public Safety
- Non-profits

Projects involving regional agencies will require continued discussion and coordination to maximize the potential investment for infrastructure-related efforts. The Finance Committee will provide the Board ongoing ARPA spend-plan updates and recommendations at future meetings."

In regard to the PSA sewer capacity study, Supervisor Ayers asked if it were just for north of town.

Mr. Bolster replied, yes, it is for the Rt 11 corridor NE of Lexington and also for the system in the Natural Bridge area.

Mr. Suter thanked members of the Finance Committee for their time and work on these recommendations.

Mr. Bolster recommended a motion to move ahead with the three (3) items as suggested by the Finance Committee.

Supervisor McDaniel moved to approve the recommendation. 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

Appointments:

Public Service Authority (PSA)- Rick Mast- Term Expires 10/14/2021:

Supervisor Lewis moved to reappoint Mr. Mast to the PSA. 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

Break:

Chairman Lyons called for a break at 5:53 until the Public Hearings could begin at 6:00 p.m.

Public Hearings at 6:00 P.M.:

Hidden Valley Farm Inc. - (345 Spring Meadow Lane - Collierstown Road) - Application for a Rezoning from the General Industrial (I-1) to the Agricultural and General Uses (A-2) Zoning District:

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

"Hidden Valley Farm Inc., 345 Spring Meadow Lane, Lexington, VA 24450, has made an application for rezoning from the General Industrial (I-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District. The property is on the north side of Collierstown Road (Route 251), approximately 0.65 miles west of the intersection of Collierstown Road (Route 251) and Possum Hollow (Route 764).

On May 31, 1974, the Board of Supervisors rezoned 33.8 acres from the General Residential (R-1) District to the General Industrial (I-1). The 1974 rezoning included the tract that is currently owned by Modine Manufacturing Co. and a portion of the surrounding property. The parcel under consideration for the rezoning consists of 90.717 acres (per tax records), with approximately 9.75 acres in the I-1 Zoning District. The remaining 80.967 acres is located in the A-2 Zoning District. Hidden Valley Farm Inc. also owns a separate parcel that consists of 35.76 acres (per tax records). The 35.76-acre tract is in the A-2 Zoning District. Per the enclosed written description of plans the farm is currently for sale and is an active farm. The current owners feel that there is no advantage of having a portion of the farm in the I-1 Zoning District and have applied for the rezoning of the portion of the land.

On September 8, 2021, the Planning Commission held its Public Hearing and has recommended approval of the Rezoning Application.”

Sam Crickenberger, who was representing the applicants, advised that the farm had been for sale for a long time and felt the request would help market the property.

Chairman Lyons opened the public hearing at 6:06 p.m. There were no comments. Chairman Lyons closed the public hearing.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, SEPTEMBER 27, 2021

Ordinance to Change the Zoning Classification of a 9.75-Acre Portion of a 90.717-Acre Tract of Land (Tax Map #74-A-75) Owned by Hidden Valley Farm, Inc., from General Industrial District (I-1) to Agricultural and General Uses District (A-2) for Property Located at 345 Spring Meadow Lane, Lexington, Virginia 24450, on the North Side of Collierstown Road (Route 251) in the Buffalo Magisterial District of Rockbridge County

WHEREAS, the Planning Commission held a public hearing on this matter on September 8, 2021, and recommended approval of the application to the Board of Supervisors; and,

WHEREAS, legal notice 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 September 27, 2021; and,

WHEREAS, the Board of Supervisors has determined that the rezoning of the property would generally promote the health, safety and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-

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

1. That the zoning classification of a 9.75 acres of land lying along the northerly and easterly boundaries of the Modine Manufacturing property (Tax Map #74-18-A), being a portion of the tract of land consisting of 90.717 acres, owned by Hidden Valley Farm, Inc., and located at 345 Spring Meadow Lane, Lexington, VA, in the Buffalo Magisterial District of Rockbridge County, be and is hereby changed from General Industrial District (I-1) to Agricultural and General Uses District (A-2).

2. That this action is taken upon the application of the property owner, by Robert M. Dunlap, President/Treasurer of Hidden Valley Farm, Inc.

3. 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. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 27th day of September, 2021.

Joseph S. Bahhur - (76 Red Hill Road) - Application for a Special Exception Permit to operate a Bed and Breakfast Homestay, in the General Residential (R-1) Zoning District:

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

"Joseph S. Bahhur, 76 Red Hill Road, Fairfield, VA 24435, has made an application for a special exception permit to operate a bed and breakfast homestay in order to rent out the basement bedroom in the existing single-family dwelling. The property is located at 76 Red Hill Road, Fairfield, VA 24435, and is further identified as tax map number 39A-1-64A. The property is located on the south side of Red Hill Road (Route 710) and is located approximately 0.15 miles south of the intersection of Red Hill Road (Route 710) and South Lee Highway (Route 11). The property is located in and surrounded by, the General Residential (R-1) Zoning District.

Per §604.03-1 of the County of Rockbridge Land Use Development Regulations, bed and breakfast homestays are a use by special exception. Per Section 302.24 of the County of Rockbridge Land Development Regulations, Bed and Breakfast Homestay is defined as a short-term rental where overnight accommodations plus breakfast in a private, owner-occupied home that provides one (1) to three (3) guest rooms for occasional bed and breakfast guests. Primary use of the home remains as a residence, not as a lodging establishment. Signs are generally not displayed on the property and all reservations are made in advance. Income derived from the bed and breakfast activity is a source of supplemental income and does not usually represent a primary source of income.

The proposed Bed and Breakfast Homestay will utilize the bedroom in the basement of the home. The basement bedroom includes a couch, closet,

fireplace, and a murphy bed for guest of the Homestay. While the basement bedroom has a private entrance to the rear, the bedroom also has a stairwell to access the upper portion of the house which includes the bathroom for the guests.

On September 8, 2021, the Planning Commission held its Public Hearing and has recommended approval of the Special Exception Permit Application.”

Applicant Joseph Bahhur stated that the proposal would provide additional income and could be a place people could stay when renting his wedding venue down the road.

Chairman Lyons opened the public hearing at 6:12 p.m. There were no comments. Chairman Lyons closed the public hearing.

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

Ayes: Lewis, McDaniel, 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, SEPTEMBER 27, 2021**

Ordinance to Approve a Special Exception Permit for Joseph S. Bahhur to Operate a Bed and Breakfast Homestay in the Residential General District (R-1) Per Section 604.03-1 of the Land Development Regulations, in the Applicant’s Home Located at 76 Red Hill Road, Fairfield, Virginia 24450, in the South River Magisterial District and Further Identified as Tax Map #39A-1-64A

WHEREAS, Joseph S. Bahhur has filed an application for a special exception permit to operate a Bed and Breakfast Homestay out of his home in the Residential General District (R-1), located at 76 Red Hill Road, Fairfield, Virginia 24450, in the South River Magisterial District, identified upon the Rockbridge County Land Records as Tax Map #39A-1-64A; 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 Rockbridge County Planning Commission held a public hearing on this matter on September 8, 2021, and recommended to the Board of Supervisors that the special exception permit be approved; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on September 27, 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, and after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in Sections 802.03-5 and 604.03-1 of the Rockbridge County Land Regulations, finds and determines that the proposed use 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 application of Joseph S. Bahhur for a special exception permit to operate a Bed and Breakfast Homestay in the applicant's home in the Residential General District (R-1) per Section 604.03-1 of the Land Development Regulations, located at 76 Red Hill Road, Fairfield, Virginia 24435, in the South River Magisterial District of Rockbridge County, identified upon the Rockbridge County Land Records as Tax Map #39A-1-64A, is hereby approved.

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

Adopted this 27th day of September, 2021.

**Sunset Farm, LLC (Kelly Mangione) - (1491 Thornhill Road) -
Application for a Special Exception Permit to operate a Lodge in the
Agricultural Transitional (A-T) Zoning District:**

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

"Kelly Mangione, 1491 Thornhill Road, Lexington, VA 24450, has made an application for a special exception permit to develop and operate a lodge. The property is owned by Sunset Farm, LLC, and is located at 1475 Thornhill Road, Lexington, VA 24450. The property is on the south side of Thornhill Road (Route 251), approximately 0.12 miles northeast of the intersection of Thornhill Road (Route 251) and Possum Hollow (Route 764). The property is 2.257 acres in size (per tax record). The property is in the Agricultural Transitional (A-T) Zoning District. Per §603B.03-7 of the County of Rockbridge Land Development Regulations, Lodges are a use by special exception.

Per Section 302.128 of the County of Rockbridge Land Development Regulations, Lodge or Resort is defined as a short-term rental consisting of a building or group of buildings, in which lodging, or board and

lodging, are provided and offered to the public for compensation. Where board is offered to the public, it shall be primarily for overnight guests at the lodge or resort. Cooking facilities may be provided in individual units. The main building or structure shall contain twenty-four (24) or less units. Eight associated structures of no more than five (5) bedrooms each for rent may be provided. A restaurant may be operated on the premises which provides meals to guests and may provide meals to the general public.

There are currently four separate buildings on the property; the former Feed Store, two storage sheds, and a larger barn in the rear. Per the development plan, the proposal is to convert the feed store into two units for short-term rentals. The two units will consist of one three bedroom, two bath unit on the first floor and a two-bedroom, one-bath unit on the second level. The small storage shed that is currently located behind the feed store will be demolished to accommodate parking for the short-term rentals. Additionally, the second smaller shed is proposed to be refurbished as a one-bedroom one-bathroom short-term rental. All of the units will be limited to short-term rentals use only.

On September 8, 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 development plan titled "Parking area designation for Sunset Farm", dated August 25, 2021.

- 2) Vehicle Parking is not allowed within the VDOT Right of Way along the Side of Thornhill Road, (Route 251). No parking signs to be installed.
- 3) Rental units shall be used for short-term rental only.
- 4) Approval contingent on County Building Department, Erosion and Sediment/stormwater Management, Virginia Department of Transportation, and Public Service Authority/Health Department approvals

Mr. Locher provided photos of the existing structure via power point and a location map. He then reviewed a projected revenues list.

Ms. Mangione shared her excitement for the project.

Supervisor Ayers asked if neighbors were on board with the project.

Ms. Mangione replied, they were in support.

Chairman Lyons opened the public hearing at 6:21 p.m. There were no comments. Chairman Lyons closed the public hearing.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON MONDAY,
SEPTEMBER 27, 2021

Ordinance Granting a Special Exception Permit to Sunset Farm, LLC, to Develop and Operate a Lodge on a 2.257-Acre Parcel of Land in the Agricultural Transitional District (A-T), Located at 1475 Thornhill Road, Lexington, Virginia, in the Buffalo Magisterial District and Further Identified as Tax Map #74-6-1B

WHEREAS, Sunset Farm, LLC, has filed an application for a special exception permit to develop and operate a lodge on a 2.257-acre parcel of land in the Agricultural Transitional District (A-T), located at 1475 Thornhill Road, Lexington, Virginia, in the Buffalo Magisterial District, and further identified as Tax Map #74-6-1B; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on September 8, 2021, and recommended approval with the conditions in Exhibit A attached hereto; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on September 27, 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, and after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in Sections 802.03-5 and 603B.03-6 of the Rockbridge County Land Regulations, finds and determines that the proposed use 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 of Supervisors finds that the granting of a special exception permit to Sunset Farm, LLC, to develop and operate a lodge on a 2.257-acre parcel of land in the Agricultural Transitional District (A-T) pursuant to LDR Section 603B.03-6, located at 1475 Thornhill Road in the Buffalo Magisterial District, and further identified as Tax Map #74-6-1B, 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 granted and approved with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this 27th day of September, 2021.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Owner/Applicant: Sunset Farms LLC

1. Substantial Compliance with the development plan titled "Parking area designation for Sunset Farm", dated August 25, 2021.
2. Vehicle Parking is not allowed within the VDOT Right of Way along the side of Thornhill Road (Route 251). No parking signs to be installed.
3. Rental units shall be used for short-term rental only.
4. Approval is contingent on County Building Department, Erosion and Sediment Control/Stormwater Management, Virginia Department of Transportation, and Public Service Authority/Health Department approvals.

Rockbridge County - Zoning Text Amendment - Defining Wood Yard and Providing a Wood Yard as a Use by Special Exception in the Agricultural

and Limited Uses (A-1) and Agricultural and General Uses (A-2) Zoning Districts:

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

"At the August 11, 2021, Planning Commission Meeting, the Commission passed a motion to advertise for a public hearing for a proposed Zoning Text Amendment that would define Wood Yards and provide for Wood Yards as a use by special exception in the Agricultural and Limited Uses (A-1) and Agricultural and General Uses (A-2) Zoning Districts.

Currently, wood yards are not a permitted use nor a use by special exception in the A-1 or the A-2 Districts. Per section 607.02-10 of the County of Rockbridge Land Development Regulations "Coal and wood yards, lumber yards, feed and seed stores" are a permitted use in the I-1 Zoning District. There are currently three wood yards in Rockbridge County, all are located in the I-1 Zoning District.

At the August 11, 2021 meeting, there was discussion on having additional language in the ordinance that would set minimum acreages for wood yards, prohibit wood yards in the 100-year floodplain, and detailing buffer requirements for woodyard in the A-1 and A-2 Districts. The Planning Commission felt that these issues could be addressed during the special exception process.

What has been brought to the Board tonight is the definition of wood yards, and that is 'Any parcel of land, or portion thereof, used for commercial storing and marketing of logs.' And then we have simply added

the wood yards as a use by special exception in the A-1 Zoning District and the A-2 Zoning District.

At the September 8, 2021, Planning Commission meeting, the Planning Commission held its public hearing and has recommended approval of this Draft Zoning Text Amendment. There was additional discussion on approving the current proposed zoning text amendment and then directing staff to develop a more detailed ordinance that would set additional criteria/parameters as discussed at the August meeting. As stated in the September meeting, if the Planning Commission or the Board of Supervisors would like to set additional criteria/parameters for the development of wood yards, the current zoning text amendment process is the appropriate time to do so."

Supervisor Ayers asked Mr. Slaydon if other localities allow this

Mr. Slaydon replied, yes, there are several localities that do and referenced Augusta County and their prohibition of wood yards in the 100-year floodplain.

Supervisor Ayers asked if other localities had more detailed ordinance.

Mr. Musso replied, yes, the majority of other localities had additional regulations associated with wood yards.

Supervisor Ayers stated that she believes that there are plenty of places in Rockbridge County where we could benefit from Wood Yards but also shared her discomfort in opening the gate for wood yards without a

more detailed plan. And suggested that the Planning Commission re-review this.

Supervisor Lewis stated that the Planning Commission already reviewed this and he supported their recommendation.

Chairman Lyons stated that he believes they need more details and does not want to see anything going into a floodplain that would endanger surrounding properties. He also stated that the rules needed to be consistent throughout and suggested waiting until the Board receives more details.

Supervisor Lewis disagreed.

Chairman Lyons opened the public hearing at 6:29 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor Day agreed with the comments from Supervisor Ayers and Chairman Lyons.

Supervisor McDaniel asked if there were restrictions on what could be placed in the floodplain.

Mr. Slaydon said there are restrictions and factors to be satisfied before the Board allows placement in the floodplain. He also detailed what some of those restrictions are.

Supervisor Lewis stated his concerns about restricting such a use in agricultural and silvicultural areas.

Mr. Slaydon stated that if there are concerns of any applications for wood yards, now is the time to address them and that those restrictions would not be unexpected or uncharacteristic.

Mr. Slaydon suggested that lot sizes, flood plain, and buffer requirements be reviewed. He also stated that this process is very similar to the ongoing solar ordinance and the large number of requirements associated with them.

Supervisors Ayers asked if it would be appropriate to refer this back to the Planning Commission for further review.

Mr. Slaydon stated that this would be the time to do so and that any further requirements for the zoning text amendment should be approved at the same time. He also detailed the proposed wood yard from Crown Hardwood and the concerns with that proposal.

Supervisor Ayers mentioned that she was aware of those concerns and agreed that they were serious.

Supervisor McDaniel asked if Mr. Slaydon could clarify exactly what was being asked from the Board.

Mr. Slaydon discussed the proposed zoning text amendment and the concerns associated with it in its current state.

Supervisor McDaniel stated that minimum lot size and detailed buffer requirements would be included in a Special Exception Permit, already.

Mr. Slaydon stated that they could be, but if these concerns were a universal, now would be the appropriate time to address them.

Supervisor McDaniel asked if there were currently and wood yards in the 100-year floodplain, in the County?

Mr. Slaydon stated that there was a sawmill in the floodplain and that it was not uncommon for the logs to go downstream at that site.

Supervisor Lewis stated his disbelief that wood yards aren't already a use in agricultural zones in a County like Rockbridge. He also stated that it is a good flexible use that the industry needs.

Chairman Lyons asked if there was any legal counsel that could be offered.

Ms. Huffman stated that she recommended to the Planning Commission that if they wanted additional requirements, they should approve it all together with this zoning text amendment instead of doing so piecemeal.

Supervisor Ayers moved to refer the Zoning Text Amendment back to the Planning Commission for further consideration related to the hundred-year flood plan. Supervisor Day provided the second.

Chairman Lyons suggested the Planning Commission also review other known restrictions so that people who wanted to create these places know the basics of what is expected before they come forth.

Supervisor Ayers suggested adding additional language to her motion to include minimum lot size and buffer requirements.

Chairman Lyons stated that they needed to be looked at and approved amending the motion as stated.

Supervisor McDaniel inquired about clarifying what was wanted from the Planning Commission.

Supervisor Lewis stated that everyone the Board wanted would be answered by the special exception process.

Supervisor Ayers stated that she wanted to vote yes to allow wood yards in agricultural zones but she could not vote yes to the current draft without further detail, which is why she wants to send it back to the Planning Commission.

Supervisor McDaniel asked for clarification on the special exception process with additional requirements which Mr. Slaydon provided. He also stated that he is not opposed to an ordinance for wood yards, but is opposed to hindering business opportunities associated with them.

Supervisor Lewis stated that he trusts the Planning Commission's recommendation.

At 6:56 p.m., Chairman Lyons allowed a citizen to give comment.

Steve Hart of the Kerrs Creek Magisterial District shared his concern about minimum lot sizes killing small businesses and that the current draft causes issues for small scale wood yards. He also shared his concern that logs that get washed downstream can cause a bridge to fail during a flood.

Supervisor Ayers restated her motion to refer the Zoning Text Amendment for wood yards back to the Planning Commission for further consideration related to the hundred-year flood plan, minimum lot size,

buffer requirements, and perhaps the definition itself "scale of operations". Supervisor Day provided the second and the motion carried by the following roll call vote by the Board:

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

Readoption of the Continuity of Government Ordinance:

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

"The current Continuity of Government Ordinance was adopted with an effective date of April 6, 2021, and will expire on October 5, 2021. At the last meeting, the Board determined to hold a public hearing and consider re-adoption of the Ordinance to allow flexibility if needed, particularly during the recent resurgence of the virus.

The proposed Ordinance would be effective October 6, 2021, and remain in effect through April 5, 2022, unless sooner rescinded."

Chairman Lyons opened the public hearing at 7:02 p.m. There were no comments. Chairman Lyons 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,
SEPTEMBER 27, 2021**

**READoption OF ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN
CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING
PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS
ASSOCIATED WITH PANDEMIC DISASTER (“CONTINUITY OF GOVERNMENT
ORDINANCE”)**

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One (2020) declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 17, 2020, the County’s Director of Emergency Management issued a Declaration of Emergency, as amended, applicable throughout the County of Rockbridge, Virginia, pursuant to Virginia Code Section 44-146.21; and

WHEREAS, on March 23, 2020, at its regular meeting, the Board of Supervisors of Rockbridge County (the “Board”) adopted a Resolution to ratify and confirm the Declaration of Local Emergency issued by the local Director of Emergency Management on March 17, 2020, specifically finding that the COVID-19 Pandemic constitutes a disaster as defined in Virginia Code § 44-146.16, being a “communicable disease of public health threat”, and amended the Declaration accordingly; and

WHEREAS, subsequent to the Declaration, there was confirmation of area citizens having contracted COVID-19; and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States had recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, Virginia Code Section 15.2-1200 allows counties to adopt necessary regulations to prevent the spread of contagious diseases; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Board of Supervisors may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Attorney General of Virginia issued an opinion dated March 20, 2020, stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, the Board of Supervisors has found that emergency measures are necessary to mitigate the ongoing emergency and disaster that is occurring in the County and to protect the health, safety, and welfare of the citizens; and

WHEREAS, the Board desired to ensure the continuity of government pursuant to Section 15.2-1413 of the Code of Virginia (1950, as amended), and on April 6, 2020, adopted an emergency ordinance in response to the disaster caused by the COVID-19 pandemic, to promote the public health, safety and welfare, consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America; and,

WHEREAS, the Board readopted and extended the Continuity of Government Ordinance on May 26, 2020, which provided that it would remain in effect until October 5, 2020, unless sooner rescinded; and

WHEREAS, due to the on-going nature of the pandemic and the continuing declaration of a state of emergency, the Board readopted and extended the Continuity of Government Ordinance on September 28, 2020, which provided that it would remain in effect until April 5, 2021, and again on April 5, 2021, which provided that it would remain in effect until October 5, 2021, unless sooner rescinded; and

WHEREAS, County boards, commissions, and authorities have adopted procedures to permit increased in-person public participation in their meetings when restrictions have, from time to time, been relaxed; and

WHEREAS, vaccines are currently available and continue to be in the process of being distributed and administered throughout the Commonwealth; and

WHEREAS, in May of 2021, the numbers of reported cases were trending downward and restrictions in the Commonwealth of Virginia were relaxed; and

WHEREAS, with the release of restrictions, return to school and other public gatherings, and the emergence of the Delta variant, the numbers of reported cases are again trending upward; and

WHEREAS, health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and

WHEREAS, the usual and necessary operations of government, by law, often require large gatherings of people in person, which would contradict the advice of the government and health officials responsible for addressing the continuing disaster caused by the COVID-19 pandemic; and,

WHEREAS, the declared state of emergency and disaster remains in effect in the County of Rockbridge and the Commonwealth of Virginia, and some restrictions could be imposed to slow the spread of the virus; and

WHEREAS, the Board of Supervisors wishes to follow the guidance of government and health officials while providing for the continuity of County government and critical local services during the state of emergency and continuing disaster caused by the COVID-19 pandemic; and

WHEREAS, the Board of Supervisors desires to ensure the continuity of County government pursuant to §15.2-1413 of the Code of Virginia (1950, as amended), during the remainder of the COVID-19 pandemic, to the extent needed or necessary to protect public health, safety and welfare in response to the disaster, consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America; and

WHEREAS, public notice has been provided in accordance with §15.2-1427(F) of the Code of Virginia (1950, as amended); and

WHEREAS, the Board of Supervisors has held a public hearing on this Ordinance on September 27, 2021; and

WHEREAS, the Board of Supervisors determines that the continuity of County government and provision of critical local services require adoption of this Ordinance.

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

1. That the COVID-19 pandemic may continue to make it unsafe to assemble in one location a quorum for public bodies of the County, including the Board, the Rockbridge County School Board, the Board of Zoning Appeals, the Planning Commission, the Tourism Corridor Review Board, the Rockbridge County Public Service Authority, the Rockbridge County Economic Development Authority, the Board of Building Code Appeals, and all local and regional boards, commissions, committees and authorities created by the Board of Supervisors or to which the Board appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the

persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and may be closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance, or in writing by mail or drop box in advance, and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization may be suspended, when necessary, during this emergency and disaster; however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that each incorporated town within the boundaries of Rockbridge County are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt/readopt an ordinance for the continuity of town government.

IT IS FURTHER ORDAINED, that the provisions of this Ordinance shall remain in full force and effect for a period of six (6) months from October 6, 2021, specifically through April 5, 2022. Upon rescission by the Board or automatic expiration as described herein, this ordinance shall terminate and normal practices and procedures of government shall resume.

Nothing in this Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

ADOPTED by the Board of Supervisors of Rockbridge County, on this 27th day of September, 2021.

Adjournment :

Supervisor McDaniel moved to adjourn at 7:03 p.m. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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