

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 TUESDAY, OCTOBER 12 2021 AT 5:30 P.M.

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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 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:**

**Recognition of Staff by the Virginia Department of Health:**

Dr. Laura Kornegay, Health Directory for the Central Shenandoah Health District, presented the Department of Fire and Rescue staff Nathan Ramsey, Kevin Moore, and Courtney Freeland with awards recognizing their outstanding contributions to public health in response to the COVID-19 Pandemic.

The Board and staff commended each recipient and took a group photo of them accepting their award.

County Administrator Spencer Suter recognized Dr. Kornegay and her staff for their assistance during the pandemic. He advised that her department served 10 localities continuously throughout the pandemic.

**Fire Prevention Week Proclamation:**

Supervisor Ayers read aloud the following proclamation:

**PROCLAMATION EXPRESSING THE APPRECIATION OF THE  
BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO  
LOCAL FIRE AGENCIES AND FIREFIGHTERS**

**WHEREAS**, The President of the United States traditionally designates the week in which the date of October 9 falls as National Fire Prevention Week; and,

**WHEREAS**, the men and women of the Fire agencies serving Rockbridge County, the City of Lexington, and the City of Buena Vista provide a vital public service by responding to the fire suppression, hazardous materials incidents, technical and water rescue needs of our residents and visitors; and,

**WHEREAS**, it is important that all citizens know and understand that fighting fires is one of the most hazardous professions, requiring physical strength, determination and courage; and

**WHEREAS**, safety of our citizens is a primary goal of local, state, and national government; and,

**WHEREAS**, Firefighters are often among the first to arrive upon the scene of emergencies and disasters, be they medical, natural or manmade, to provide immediate and often life-saving assistance; and

**WHEREAS**, Firefighters participate in numerous hours of rigorous training and continuing education in order to enhance their life and property-saving skills; and,

**WHEREAS**, our Firefighters have demonstrated a high level of commitment and dedication to their communities and fellow citizens by providing constant care and service during the COVID-19 pandemic;

**NOW, THEREFORE**, We, the Rockbridge County Board of Supervisors recognize the week of October 3<sup>rd</sup> thru 9<sup>th</sup>, 2021, as National Fire Prevention Week, during which all of our residents may join in celebrating the dedication of our local Fire Departments and Firefighters, past and present, and their families, whose support allows them to serve our community.

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

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

Mr. Suter advised that Chief Ramsey would distribute copies of the signed proclamation to County Fire agencies.

**Citizens Comments:**

Chairman Lyons called for comments from citizens via in-person, zoom, or written. There were none.

**Approval of the September 27, 2021 Minutes:**

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

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

Chairman Lyons advised that the draft minutes for the Joint School Board Meeting on September 16<sup>th</sup> and the Multi-Jurisdictional Meeting minutes for September 20<sup>th</sup> would be added to the October 25<sup>th</sup> agenda for the Boards consideration.

**Consideration of the County Financial Package:**

Fiscal Services Director Steven Bolster advised that the financial documents were only updated just before the meeting and provided hard copies for anyone who wished to review. He then reviewed his monthly memorandum which included activities for the month for the Commissioner of the Revenue and the Treasurer.

One of the activities for the Commissioner of the Revenue was "preparing for changes in the way we assess/collect Transient Occupancy Tax". Supervisor Ayers asked if there were any updates that could be provided to the Board at this time.

Mr. Suter responded that new legislation is currently being reviewed at the State level via the Commissioner of Revenue Association.

Mr. Bolster then reviewed the revenues versus expenditures line chart noting that year-to-date revenues through September 2021 came in above data-driven forecast by \$707,700.

Chairman Lyons asked what was driving the revenues to be higher.

Mr. Bolster responded that sales, meals, and lodging are outpacing last year's September totals.

Supervisor McDaniel asked how this would compare to 2019 as FY21 revenues were cut by 30% in anticipation of the pandemic.

Mr. Bolster replied that he did not have the necessary data to respond but he would email it to the Board.

Supervisor Ayers asked Mr. Bolster to adjust the lodging revenue to account for the tax rate increases from last year.

Mr. Bolster affirmed that he would provide the requested information.

Mr. Suter stated that in building this budget, revenue adjustments were made based on the trending of what was being seen in FY 2021. At the end of the last fiscal year, collections were trending better than anticipated. However, the FY 2022 estimates remained conservative, with the ability to adjust estimates in future budgets based on further trending information.

Mr. Bolster presented a funding request from Hull's Drive In to assist in the "Save Hull's Campaign". He advised that the Finance Committee recommended providing one-time funding of up-to \$30,000 for the cause under the Economic Development budget.

Mr. Suter advised that Hull's Drive In closed on the sale of the land last week and they now need to repay Cornerstone Bank for funding the gap.

Supervisor Lewis stated that Hull's was still collecting funds to reach its goal.

Chairman Lyons asked if other localities were supporting the cause.

Mr. Suter stated that he understood the City of Lexington would be

considering a contribution to Hull's but the City of Buena Vista would not.

Supervisor Lewis agreed that he understood the City of Lexington would be considering contribution to Hull's but the decision was not final and there were still conversations with the City of Buena Vista.

Supervisor Day asked if there was a way to stipulate that, in the event the property ever sold, the County would be refunded the amount it provides for the cause.

County Attorney Vickie Huffman stated that the County and Hull's could enter into an agreement to include the stipulation and that agreement could be recorded at the Clerk of Circuit Court's office.

Supervisor Day stated that he felt it would be taxpayers' money going towards the cause and therefore the taxpayers should get the money back if the business ever sold.

Supervisor Ayers agreed with Supervisor Day and added that, if the Board could not be reimbursed, is there potential to ask that those funds be donated to a particular non-profit at that time.

Chairman Lyons inquired about non-profit organizations and how funds are disbursed when an organization dissolves.

Ms. Huffman replied assets be distributed to other non-profit organizations.

Supervisor McDaniel moved to authorize funding up to \$30,000 to Hull's Drive In and for the County Attorney to look into the idea of

documenting that, if the property is ever sold or changed hands, the money would be returned to the County. 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

Supervisor McDaniel moved to approve the payment of bills. 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 TUESDAY, OCTOBER 12, 2021 AT 5:30 P.M.

On motion by Supervisor McDaniel, seconded by Supervisor Day, the Board, by record vote, approved the payment of bills for the month as follows:

|                             |                       |
|-----------------------------|-----------------------|
| <b>Current County</b>       |                       |
| 11 - General Fund           | \$1,444,835.01        |
| 94 - Central Stores         | \$6,677.71            |
| 205 - ARPA Fund             | <u>\$15,873.94</u>    |
| <b>Total County Bills</b>   | <b>\$1,467,386.66</b> |
| <br>                        |                       |
| <b>Current Fiscal Agent</b> |                       |
| 80 - Jail Fund              | \$200,714.00          |
| 241 - E-Summons Fees        | <u>\$1,000.29</u>     |
| <b>Total Fiscal Agent</b>   | <b>\$201,714.29</b>   |
| <br>                        |                       |
| <b>TOTAL ALL BILLS</b>      | <b>\$1,669,100.95</b> |

## **Consideration of Lower Maury Virginia Scenic River Designation:**

Mr. Suter reviewed the following information:

"In your package is the final local step required in the process to bring the rest of the Maury River into Virginia Scenic River status. To recap, the section of the James in the County received the designation in 2017 and the upper Maury from the confluence of the Calfpasture and Little Calfpasture to the Furrs Mill Rd bridge was designated in 2019. Since that time, the Scenic Maury committee, which was formed during the lower Maury designation process, has contacted as many landowners as possible along the river to request support for the designation. At their request in June, the Board asked DCR to study the lower stretch from Furrs Mill to the James River. DCR has completed their evaluation and per the letter in your package, has deemed it worthy of the program.

The next step is for the Board to adopt a resolution requesting our legislators to introduce sister bills in the house and senate for the spring session of the general assembly. As the river flows through or by the Town of Glasgow and the Cities of Lexington and BV, their councils will be considering similar resolutions."

Supervisor McDaniel asked if the designation would restrict the land use for any property owners along the river.

Mr. Suter confirmed that it would not and noted the link to a DCR document in the Board's package which detailed what the designation would and would not do.

Supervisor McDaniel moved to adopt the 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 ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON TUESDAY,  
OCTOBER 12, 2021

**Resolution to Request a Portion of the  
Maury River be Designated as a Virginia Scenic River**

WHEREAS, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and,

WHEREAS, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and,

WHEREAS, the upper Maury River from the confluence of the Calfpasture and Little Calfpasture Rivers to the Rt. 631 – Furrs Mill Road bridge in Beans Bottom was designated as a Virginia Scenic River by the Commonwealth of Virginia in 2020; and,

WHEREAS staff from the Virginia Department of Conservation and Recreation visited the lower Maury River, from the Rt. 631 – Furrs Mill Road bridge in Beans Bottom to its confluence with the James River in the Town of Glasgow, and evaluated its eligibility for Scenic River designation; and,

WHEREAS, the Virginia Department of Conservation and Recreation completed its evaluation of the lower Maury River as described above and determined that it qualifies as a Virginia Scenic River; and,

WHEREAS, the Virginia Board of Conservation and Recreation supports the endorsement for designation of this section of the Maury River as a Virginia Scenic River.

THEREFORE, BE IT RESOLVED that the Rockbridge County Board of Supervisors does hereby support the designation of the Maury River from the Rt. 631 – Furr's Mill Road bridge in Beans Bottom to its confluence with the James River in the Town of Glasgow as Virginia Scenic River; and,

BE IT FURTHER RESOLVED that the Rockbridge County Board of Supervisors hereby requests that the Honorable Senator Creigh Deeds and the Honorable Delegate Ronnie Campbell serve as patrons for the legislation that will codify the Scenic River designation.

Adopted that 12<sup>th</sup> day of October, 2021.

**Consideration of FY2023 Funding Priorities and Budget Schedule:**

Mr. Bolster reviewed the FY2023 draft budget schedule.

Chairman Lyons suggested that Department Heads attend in-person to present their budget requests instead of electronically.

Mr. Bolster then presented the FY2023 Funding Priorities.

Supervisor Ayers asked Mr. Bolster to explain how the Virginia Retirement System (VRS) has an effect on the budget.

Mr. Bolster explained that, in FY2021 and FY2022, the VRS rate remained the same and advised that it is reevaluated each biennium and readjusted. He stated that this is something the County cannot control.

Supervisor Ayers asked when the County would know what the rate will be.

Mr. Bolster replied, February or March.

Mr. Suter explained that receiving the information in March puts the County in a challenging situation when the rate does not align with what was anticipated.

Chairman Lyons stated that the Governor's projected budget gives an idea of what is expected by it is not always accurate.

Supervisor Lewis commended Mr. Bolster on the detailed information he provides in his reports, such as sales revenues. He stated that the materials are reviewed very carefully to create a projected budget.

Supervisor McDaniel shared his concern about the County's Local Composite Index number and how it is out of line when compared to other localities. He stated that the state government needs to address this issue and has needed to for years.

Supervisor Lewis shared that, while serving on the Rockbridge County School Board years ago, this was brought to the governments attention and even provided them with a solution of how to solve the issue. However, he added, the problem still exists.

Mr. Suter stated that he would provide the Board with the Local Composite Index list.

Chairman Lyons advised that land value and personal income play big parts in the number.

Mr. Suter added that nonresident land owners are included in the calculation, which can skew the results

**Monthly Staff Reports:**

Supervisor Lewis moved to accept the staff reports. 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

**Board Comments:**

Supervisor Ayers asked RARO Director Chad Coffey to provide the Board with an update on RARO activities.

Mr. Coffey shared that on October 2<sup>nd</sup>, RARO hosted a "Fall in Love with RARO" event from 11 a.m. to 2:00 p.m., and between 185-200 kids attended. He stated that participants included members of the Lexington Police Department, Fire and Rescue, VMI Basketball and VMI Baseball players. In addition, he advised that the RARO website was updated to be more user-friendly and that there is a community survey available for the public.

Supervisor McDaniel stated that he used to be a coach years ago and at that time the number of children participating in sports was very low. He inquired about the number of children registered to participate in Fall sports.

Mr. Coffey advised that the number of soccer players were really good; that there were two full teams of senior and junior football

players; and between 25 and 30 flag football participants. He noted that the junior and senior football teams have done really well and the playoffs would be held locally bringing in many families from other localities.

Supervisor McDaniel stated that one of the recommendations brought forth while he was coaching was that Fall registration be done the first or second week of school in so that talks could be had in the schools advising of the sports in hopes to have more children interested.

Mr. Coffey stated that he had similar concerns and felt that registration in the Spring gives staff a heads-up at what to expect in the Fall as to how much football equipment needs to be ordered.

Supervisor McDaniel asked how RARO plans to handle the Winter sports with COVID.

Mr. Coffey replied, because we are tied in with the school system, will follow their guidelines at that time.

Supervisor McDaniel asked that that be communicated with the public as there are parents who are concerned about that.

Mr. Coffey advised he had received several calls from parents with the same concern since registration was opened.

Chairman Lyons advised that architect interviews begin tomorrow for the Department of Social Services and the process is moving along.

**Closed Session:**

Supervisor McDaniel moved to enter into a closed meeting as permitted by Virginia Code §2.2-3711(A) (1), a personnel matter involving Economic Development Director applications for discussion, consideration, or interviews of prospective candidates for employment. 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

Supervisor McDaniel moved to reconvene in open session following the closed meeting. A second was provided by Supervisor Ayers, 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

Supervisor McDaniel moved that the Board certify that, in the closed meeting just concluded, to the best of each member's knowledge, nothing was heard, discussed or considered except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed as exempt from open meeting requirements under the provisions of the Virginia Freedom of Information Act cited in that motion, as to both matters for which the closed meeting

was convened. A second was provided by Supervisor Ayers, 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

**Adjournment:**

Supervisor McDaniel moved to adjourn. 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