

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, OCTOBER 25, 2021 AT 5:30 P.M.

Important Notice: The scheduled work session for 4:30 p.m. was cancelled.

BOARD MEMBERS PRESENT: D. E. LYONS
L.E. AYERS
D.B. MCDANIEL (Attended via phone)
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 5:39 p.m. due to technical difficulties.

Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members. Supervisors' Lewis, Day, Ayers, and Lyons attended in-person and Supervisor McDaniel attended via phone.

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

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.

Chairman Lyons added an additional closed session for discussion or consideration of a matter involving acquisition of real property for public purposes where discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy.

Chairman Lyons approved the agenda, as amended.

Recognitions and Presentations:

GFOA Certificate of Achievement for Excellence in Financial

Reporting- FY 2020 Audit:

Fiscal Services Director Steven Bolster advised that the County had received the Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the fiscal year ended June 30, 2020. He commended the staff of the Finance Department and Treasurer's Office for their contribution in obtaining the award.

Chairman Lyons commended Mr. Bolster on behalf of the Board for his contribution in obtaining the award, also.

Citizens Comments:

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

Approval of the 9/20/2021 and 10/12/2021 Board Meeting Minutes:

Supervisor Ayers moved to approve the minutes. 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

Consideration of School Appropriation Resolution:

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

Supervisor Day moved to approve 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, OCTOBER 25, 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:

Title IVB 619 2021

4-50-61310-1120-901-202-927 Teacher Salaries.....	\$15,000.00
4-50-61310-6030-901-202-927 Materials & Supplies.....	\$1,004.00
TOTAL	\$16,004.00

Title IVB 619 ARP 2021

4-50-61310-3160-901-202-930 Purchased Services.....	\$1,698.00
4-50-61310-6030-901-202-930 Materials & Supplies.....	\$9,000.00
Total	\$10,698.00

Title IVB 611 ARP 2021

4-50-61310-3160-901-202-931	Purchased Services.....	\$38,589.00
4-50-61310-3160-901-203-931	Purchased Services.....	\$7,718.00
4-50-61310-6030-901-202-931	Materials & Supplies.....	\$83,334.00
4-50-61310-6030-901-203-931	Materials & Supplies.....	<u>\$16,667.00</u>
	TOTAL	\$146,308.00

Title IV Pt A LEA 2021

4-50-61100-3160-390-100-935	Purchased Services.....	\$200.00
4-50-61100-6030-390-100-935	Materials & Supplies.....	<u>\$41,074.00</u>
	TOTAL	\$41,274.00

Title II 2021

4-50-61310-1120-901-102-929	Teacher Salaries.....	\$65,384.00
4-50-61310-2100-901-102-929	FICA.....	\$4,700.00
4-50-61310-3160-901-102-929	Purchased Services.....	\$10,106.00
4-50-61310-5540-901-102-929	Travel.....	\$9,507.00
4-50-61310-6030-901-102-929	Materials & Supplies.....	<u>\$2,527.00</u>
	TOTAL	\$92,224.00

Title III 2021

4-50-61310-3160-901-102-928	Purchased Services.....	\$1,482.00
4-50-61310-5540-901-102-928	Travel.....	\$450.00
4-50-61310-6030-901-102-928	Materials & Supplies.....	<u>\$1,902.00</u>
	TOTAL	\$3,834.00

IDEA Title VIB 611 2021

4-50-61100-1120-220-200-926	Teacher Salaries.....	\$278,295.00
4-50-61100-1120-240-200-926	Teacher Salaries.....	\$46,786.00
4-50-61100-1120-270-200-926	Teacher Salaries.....	\$48,166.00
4-50-61100-1120-350-200-926	Teacher Salaries.....	\$55,268.00
4-50-61100-1151-350-200-926	Teacher Assistant.....	21,214.00
4-50-61100-2100-220-200-926	FICA.....	\$18,417.00
4-50-61100-2100-240-200-926	FICA.....	2,716.00
4-50-61100-2100-270-200-926	FICA.....	\$3,078.00
4-50-61100-2100-350-200-926	FICA.....	\$5,325.00
4-50-61100-2210-220-200-926	VRS.....	\$44,500.00
4-50-61100-2210-270-200-926	VRS.....	\$9,606.00
4-50-61100-2210-350-200-926	VRS.....	\$15,248.00
4-50-61100-2220-220-200-926	VRS.....	\$19,145.00
4-50-61100-2220-240-200-926	VRS.....	\$9,331.00
4-50-61100-2300-220-200-926	Medical.....	\$33,849.00
4-50-61100-2300-240-200-926	Medical.....	\$12,881.00
4-50-61100-2300-270-200-926	Medical.....	\$9,569.00
4-50-61100-2300-350-200-926	Medical.....	\$17,222.00
4-50-61100-2400-220-200-926	GLI.....	5,132.00
4-50-61100-2400-240-200-926	GLI.....	753.00
4-50-61100-2400-270-200-926	GLI.....	775.00
4-50-61100-2400-350-200-926	GLI.....	\$1,230.00
4-50-61100-2510-220-200-926	VACORP.....	\$275.00

4-50-61100-2510-240-200-926	VACORP.....	\$134.00
4-50-61100-2750-220-200-926	RHIC.....	\$4,634.00
4-50-61100-2750-240-200-926	RHIC.....	\$680.00
4-50-61100-2750-270-200-926	RHIC.....	\$700.00
4-50-61100-2750-350-200-926	RHIC.....	\$1,110.00
4-50-62230-3160-909-200-926	Purchased Services.....	<u>\$20,000.00</u>
	TOTAL	\$686,039.00

Title I 2021

4-50-61100-1120-220-100-932	Teacher Salaries.....	\$110,830.00
4-50-61100-1120-240-100-932	Teacher Salaries.....	\$119,996.00
4-50-61100-1120-260-100-932	Teacher Salaries.....	\$48,814.00
4-50-61100-1120-270-100-932	Teacher Salaries.....	\$105,250.00
4-50-61100-2100-220-100-932	FICA.....	\$6,788.00
4-50-61100-2100-240-100-932	FICA.....	\$7,032.00
4-50-61100-2100-260-100-932	FICA.....	\$1,766.00
4-50-61100-2100-270-100-932	FICA.....	\$6,099.00
4-50-61100-2210-220-100-932	VRS.....	\$17,244.00
4-50-61100-2210-240-100-932	VRS.....	\$18,767.00
4-50-61100-2210-260-100-932	VRS.....	\$6,937.00

Title I 2021 (cont'd)

4-50-61100-2210-270-100-932	VRS.....	\$16,316.00
4-50-61100-2300-220-100-932	Medical.....	\$5,574.00
4-50-61100-2300-240-100-932	Medical.....	\$5,585.00
4-50-61100-2300-260-100-932	Medical.....	\$5,551.00
4-50-61100-2300-270-100-932	Medical.....	\$12,930.00
4-50-61100-2400-220-100-932	GLI.....	\$1,565.00
4-50-61100-2400-240-100-932	GLI.....	\$1,687.00
4-50-61100-2400-260-100-932	GLI.....	\$734.00
4-50-61100-2400-270-100-932	GLI.....	\$1,490.00
4-50-61100-2750-220-100-932	HCC.....	\$1,413.00
4-50-61100-2750-240-100-932	HCC.....	\$1,524.00
4-50-61100-2750-260-100-932	HCC.....	\$662.00
4-50-61100-2750-270-100-932	HCC.....	\$1,345.00
4-50-61100-3160-220-100-932	Purchased Services.....	\$7,000.00
4-50-61100-3160-240-100-932	Purchased Services.....	\$6,000.00
4-50-61100-3160-260-100-932	Purchased Services.....	\$3,000.00
4-50-61100-3160-270-100-932	Purchased Services.....	\$4,000.00
4-50-61100-5540-220-100-932	In Service.....	\$4,000.00
4-50-61100-5540-240-100-932	In Service.....	\$3,000.00
4-50-61100-5540-260-100-932	In Service.....	\$1,000.00
4-50-61100-5540-270-100-932	In Service.....	\$2,000.00
4-50-61100-6030-220-100-932	Materials & Supplies.....	\$16,901.00
4-50-61100-6030-240-100-932	Materials & Supplies.....	\$6,451.00
4-50-61100-6030-260-100-932	Materials & Supplies.....	\$3,000.00
4-50-61100-6030-270-100-932	Materials & Supplies.....	\$6,451.00
4-50-61310-3160-901-102-932	Purchased Services.....	\$1,915.00
4-50-61310-5540-901-102-932	In Services.....	\$1,915.00
4-50-61310-6030-901-102-932	Material & Supplies.....	<u>\$1,915.00</u>
	TOTAL	\$574,447.00

Title IV 21st Century NBES 2021

4-50-61100-1120-270-500-936	Teacher Salaries.....	\$102,891.00
4-50-61100-1151-270-500-936	Aides.....	\$19,851.00
4-50-61100-2100-270-500-936	FICA.....	\$16,389.00
4-50-61100-3160-270-500-936	Purchase Services.....	\$7,973.00
4-50-61100-4000-270-500-936	Internal Services.....	\$17,927.00
4-50-61100-5540-270-500-936	Travel/Mileage.....	\$2,540.00
4-50-61100-6030-270-500-936	Materials & Supplies.....	<u>\$32,429.00</u>
	TOTAL	\$200,000.00

Title IV 21st Century MRMS 2021

4-50-61100-1120-350-500-937	Teacher Salaries.....	\$130,036.00
4-50-61100-1151-270-500-937	Aides.....	\$4,368.00
4-50-61100-2100-350-500-937	FICA.....	\$12,213.00
4-50-61100-3160-350-500-937	Purchased Services.....	\$22,875.00
4-50-61100-4000-350-500-937	Internal Services.....	\$18,708.00
4-50-61100-5540-350-500-937	Travel/Mileage.....	\$5,100.00
4-50-61100-6030-350-500-937	Materials & Supplies.....	<u>\$6,700.00</u>
	TOTAL	\$200,000.00

TOTAL NEW GRANT APPROPRIATIONS **\$1,970,828.00**

Consideration of Appropriation Resolution- Hull's Drive-In Theater Capital Contribution:

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

"At the Board's regular meeting on October 12th, staff provided an update on the Hull's Drive-In Theater Save Hull's capital campaign. At that time, staff presented the Finance Committee recommendation to consider a one-time contribution to the campaign of up to \$30,000 which, after discussion, the Board approved. Since that time, staff gathered some additional data regarding the campaign, summarized below:

- Campaign started in February 2021.

- Fundraising target of \$350,000 to purchase previously leased land.
- Hull's Drive-In Theater had until September 1st to exercise the option to purchase property on Route 11.
- Hull's closed on the property in early October.
- The full purchase price of the property is \$442,500, so Save Hull's campaign will continue towards achieving this amount to pay off the bridge loan.

In a subsequent, regularly-scheduled Finance Committee meeting, Supervisors McDaniel and Lewis discussed another option - the potential to exempt Hull's from real estate taxation (an option under code). Hull's would need to apply for the exemption. It would take approximately 9 years for Hull's to reach the \$30,000 mark in overall benefit, but the exemption would continue to provide benefit beyond that time. The Finance Committee requested staff to bring this alternative back to the Board for consideration, prior to appropriating up to \$30,000 in one-time funding. Should the Board wish to consider, a staff or Board delegation could discuss with Hull's."

Supervisors Lewis and McDaniel both agreed that the tax exemption would be the best way to proceed.

Chairman Lyons directed Mr. Suter to discuss the tax exemption alternative with Hull's representatives and report the results of the conversation back to the Board.

Consideration of Reimbursement Resolution for Floyd S. Kay Renovation Project:

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

"Over the past few months, the Board of Supervisors and School Board have coordinated on the consideration to renovate the Floyd S. Kay Technical Education Center (VOTECH) adjacent to the Rockbridge County High School. 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 to the VOTECH facility. The report included rough cost estimates developed by the School Division'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.

At the September 27th Board work session, the Board further considered the VOTECH study proposal, specifically sourcing the initial project phase (programming and schematic design, and updated project cost estimates). 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 (Carryover) Account, 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. At the regular meeting on the 27th, the Board approved the use of the School Carryover Account to fund the initial phase of the VOTECH project.

Currently the construction phase of the VOTECH project is estimated to begin in May 2023. County and School Division personnel will continue to coordinate on the timing of the long-term financing in the months ahead - potentially occurring in the fall of 2022 or spring 2023. Local funding will source architectural/engineering services costs in the interim. To ensure the County and/or School Division receives these dollars at closing, a reimbursement resolution must be adopted by the Board. Rockbridge County Bond Counsel Daniel Lauro produced the attached resolution. This document was provided to the County Administrator, County Attorney and Fiscal Services Director for review."

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

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

RESOLUTION TO DECLARE AN INTENT TO REIMBURSE

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, upon mature consideration, has determined that it is essential for the County of Rockbridge, Virginia (the “County”) and the School Board of Rockbridge County, Virginia (the “School Board”) to (a) acquire, construct, reconstruct, expand, and equip capital projects for school purposes in the County, including but not limited to construction, renovation, and equipping of the Floyd S. Kay Technical Education Center, and (b) pay costs of issuance in connection with such undertakings (together, the “Project”); and

WHEREAS, the School Board, upon mature consideration, has determined that a vital need exists for the Project; and

WHEREAS, the County reasonably anticipates to obtain long-term financing of all or any portion of the costs of the Project through the County’s participation in the pooled bond program offered from time to time by Virginia Public School Authority (“VPSA”), or other tax-exempt financing(s) as may be necessary or convenient, in one or more financings, and accordingly, the County shall comply with the provisions of the Internal Revenue Code of 1986, as amended, so that interest on any bonds issued by the County, or VPSA on behalf of the County, the proceeds of which are used to fund such loan to the County (the “Loan”), will remain excludible from gross income for Federal income tax purposes in accordance with law; and

WHEREAS, the County now desires to declare its intent to use all or any portion of the proceeds of one or more tax-exempt obligations to be issued, in one or more series, to reimburse certain expenditures in connection with the Project, among other things, all as required by Federal tax laws, including Treasury Regulations § 1.150-2 in the Internal Revenue Code of 1986, as amended, all as further described below.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, as follows:

1. The County and/or the School Board has paid or caused to be paid, beginning no earlier than 60 days prior to adoption hereof, and/or will pay or cause to be paid, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the Project. Further, it has been determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Project-related Expenditures are available only for a temporary period and it is necessary to reimburse the County and/or the School Board for the Expenditures from the proceeds of such Loan as described above (or otherwise from one or more issues of tax-exempt bonds). Accordingly, the County hereby declares its intent and reasonable expectations to reimburse the County and/or the School Board with all or any portion of the proceeds of the Loan for the Expenditures with respect to the Project made no earlier than 60 days prior to the adoption of this Resolution. The County reasonably expects as of this date that it will reimburse the Expenditures with all or any portion of the proceeds of such Loan.

2. The maximum aggregate principal amount of bond(s) or note(s) to be issued by the County in one or more series (to VPSA, as described above, or other tax-exempt financing(s)) in connection with the Project, as described above, is reasonably anticipated to be approximately \$9,000,000.

3. The County or the School Board, as the case may be, will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse the Expenditures, no later than 18 months after the later of the date on which the Expenditures are paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditures are paid. This declaration of intent to reimburse, as required by Treasury Regulations Section 1.150-2 and Federal tax laws, shall take effect immediately.

Consideration of Whites Travel Center Performance Agreement:

Business Development Assistant Brandy Flint briefly reviewed the agenda item which included the following information:

"The incentive package for White's Travel Center was presented to the Board and EDA in August and approved by both. On October 20th, the EDA approved the attached performance agreement, which breaks down the incentive package, distribution of funds, required documentation, clawbacks, and tracking mechanisms.

To recap, the expansion at White's includes a building addition, modifications to the parking lot associated with the addition, and plans to modify the flow of traffic associated with the addition. The project does not qualify for the tourism zone incentive. VEDP does not offer incentives to retail operations. Total investment in the project includes:

Whites has already hired the two proposed supervisory positions above the prevailing wage in our region. Based on the employment and the overall investment, the incentive package for \$53,663 was approved by the EDA and Board in September, 2021. The attached performance agreement is intended to formally memorialize the prior approval.

The proposed package includes:

1. A Business Personal Property Tax Grant of \$2,550 for one year
2. A Building Permit Grant for \$49,613.
3. An Employment Grant for \$1,500 for the two supervisory positions.”

Ms. Flint added that Mr. Berkstresser had advised that the construction project was slated to be completed in April.

Supervisor Lewis moved to approve the resolution. 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, OCTOBER 25, 2021

Resolution to Approve a Performance Agreement Between the County of Rockbridge, Virginia, the Economic Development Authority of Rockbridge County, and White’s Travel Center, LLC, to Provide for Incentives in the Amount of \$53,663 for Expansion of the Travel Center, With Investment of \$8,000,000 and a Minimum of Five New Full-time Jobs, for Economic Development Purposes

WHEREAS, the County of Rockbridge, Virginia (the “County”), in cooperation with the Economic Development Authority of Rockbridge County, Virginia (the “Authority”), desires to promote and encourage the economic development and vitality of Rockbridge County and the region through the recruitment of new industry and the expansion of existing business and through the creation of employment opportunities for the citizens of Rockbridge County, in order to provide for increased employment and corporate investment in the County; and,

WHEREAS, White's Travel Center, LLC (the "Company"), desires to support the economic development efforts of the County and the Authority, and proposes to remodel its existing business at 2440 Raphine Road, Raphine, Virginia, and expand with a 26,000 square-foot retail addition (the "Project"), anticipating a capital investment of \$8,000,000, and new employment of a minimum of two supervisory positions and three non-supervisory positions; and,

WHEREAS, in anticipation of the tax revenue and employment to be generated by the Project, the Board of Supervisors of Rockbridge County has determined to make Incentive Funds in the amount of \$53,663 available to the Authority to provide an incentive package for the Company to undertake the Project; and,

WHEREAS, the Authority approved the proposed Performance Agreement dated October 20, 2021, between the County, the Authority and the Company at a special meeting held on the 20th day of October, 2021; and,

WHEREAS, the Board of Supervisors has considered the proposed Performance Agreement dated October 20, 2021, between the County, the Authority and the Company at its regular meeting held on the 25th day of October, 2021.

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

1. That the terms and provisions of the Performance Agreement dated October 20, 2021, and attached hereto as Exhibit 1, between the County of Rockbridge, Virginia, the Economic Development Authority of Rockbridge County, Virginia, and White's Travel Center, LLC, are hereby authorized and approved.

2. That appropriation of the Incentive Funds in the amount of \$53,663 shall be considered as provided in the Performance Agreement.

3. That the County Administrator is hereby authorized to execute the Performance Agreement dated October 20, 2021, between the County, the Authority, and the Company, in

substantial conformity to the agreement herewith, and to execute such other and further documents as may be necessary to accomplish this transaction on behalf of the Board of Supervisors of Rockbridge County, all of which shall be approved as to form by the County Attorney.

4. That this resolution shall be effective on and from the date of its adoption.

Adoption of FY2023 Budget Schedule and Funding Priorities:

Mr. Bolster reviewed the Budget Schedule and presented the Funding Priorities, recommending approval of both if there were no changes.

Supervisor Lewis moved to approve the FY2023 Budget Schedule and Funding Priorities, as presented. 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

Rockbridge County Board of Supervisors

Funding Priorities for the FY 2023 Budget

The Board of Supervisors knows our citizens continue to face fiscal challenges associated with the second year of the COVID-19 pandemic, the rising cost of living, and the tight labor market for local businesses. As the Board looks towards FY 2023, the timing of when the nation, state, and local environments return to or exceed pre COVID-19 levels remain somewhat uncertain. At the national level, an Office of Management and Budget (OMB) economic and budget analyses report indicates, “as the economy continues to recover and the employment picture improves, growth is projected to be 3.2 percent in 2022. Real GDP is projected to return to its long-run ‘potential’ level by 2023 and is forecasted to grow at an average of 1.9 percent between 2024 and 2031.” The OMB also forecasts near-term increases in interest rates and inflation levels prior to stabilizing in 2024 and beyond. For the state environment, Governor Ralph Northam announced in July 2021 that the Commonwealth closed FY 2021 with the largest surplus in Virginia’s history, \$2.6 billion. This total represents a 14.5% revenue increase over FY 2020, well ahead of the 2.7% projection. In addition, the state’s allocation from the American Rescue Plan Act (ARPA) is nearly \$4.3 billion in funding as part of second COVID-19 relief package. Locally, the County is scheduled to receive nearly \$4.4 million in federal ARPA funds to assist with overcoming the health and economic impacts of the coronavirus. In light of the additional funding received by the Commonwealth, the County must be prepared to adjust to

the possible negative fiscal impacts from state's FY 2023-2024 biennium. Two primary areas involve the recalculation of the local composite index on which the state support of local education is based and the biennial evaluation of the Virginia Retirement System contribution rates for both the County and School Division. Both of these numbers depend on formulas not yet published. The County will evaluate General Fund revenue trends over previous and current years to garner projections to align funding requests from internal and external entities. The Board, while working with staff, will take a critical look at all funding requests that fully supports mandated and core programs, implementing opportunities to maximize efficiencies in operations, to include modifying services, in order to pass a balanced budget.

In conjunction with efforts to produce a balanced budget, the Board will continue forward in maintaining the County's sound financial footing by following a comprehensive set of financial policies which serve as a framework for making fiscal decisions in the best interest of our citizens, and the long-term development and stability of Rockbridge County. In concert with our financial policies, the Board's mission, vision and values statements will continue to propel strategic plans and future funding decisions. Thus, the Board remains committed to education, public safety, and public work expenditures as part of a continuing, long-range improvement effort for our citizens. To meet our goals, the Board establishes the following funding priorities for FY2023:

- The Board has a legal and/or moral obligation to fund debt-service payments, federal and state mandates, and existing contracts. Funding for these requirements will be included in the budget.
- The Board will strive to support services that provide a critical "safety net" for citizens in need due to circumstances beyond their control, including child and social services programs. For their part, service agencies must pursue opportunities to enhance efficiencies or leverage current capabilities to optimize the delivery of these vital services.
- Funding for public education, public safety, health and welfare, and solid waste management shall be leading objectives for the fiscal year. These budget categories may be determined to need and realize increased funding compared to prior years.
- The Board will maintain a quality workforce via a compensation and benefits plan that is regionally competitive, with a continued focus on affordable health care options for individuals and families.

Finally, the Board outlines the following directives to guide organizations requesting funding support in FY 2023:

Organizations funded by contractual formula, mandates, or other agreements shall provide evidence of efficiency and economic measures to maintain or reduce the county's share. Only those programs specifically approved by agreements shall be included in the activity's funding request. Documentation showing program requirements and associated costs shall be included in budget submissions. All agencies which have traditionally been supported by the county must provide detailed justification for all funding requests, with additional emphasis on any newly requested funds. Those organizations which clearly demonstrate value, efficiency of operations, and a demonstrated effort to secure non-county funds will receive priority consideration. All budget

submissions shall contain revenue projections from all sources for the prior and current year as well as expected revenues in FY 2023. No organization should expect the Board to make up revenue lost from any source.

Consideration to Adjust Effective Date of Cigarette Tax:

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

"On August 23rd, 2021 the Board adopted a \$0.25 per pack tax on sale of cigarettes in the County, with an effective date of January 1, 2022. In prior meetings, staff and the Commissioner of Revenue had indicated that a lead time of approximately six months may be required to complete all steps necessary in implementation of the tax. On August 23rd, staff indicated that we may need to come back to the Board to request additional time to effectively implement. Procurement of stamps is underway. Based on various challenges, and after consultation with Commissioner David Whitesell, staff is requesting additional time to implement the tax in order to ensure a smooth transition. Mr. Whitesell has requested that, if a new effective date is approved, that it be set for the start of the 4th quarter of the fiscal year (April 1, 2022).

Additionally, over the past several weeks, the Goshen Town Council has considered implementation of a tax (but has not yet taken action) and the Glasgow Town Council has implemented a \$0.01 cigarette tax. The additional time will allow for coordination with the Towns on processes and collection." Mr. Suter advised that County Attorney Vickie Huffman had

provided a draft ordinance that would codify the change and would need to be adopted following a public hearing.

Chairman Lyons asked if the Town of Glasgow would be administering their tax themselves.

Mr. Suter replied, yes.

Commissioner of the Revenue David Whitesell shared stated that he believed that the Town of Glasgow will be asking his office to administer their tax because they thought the County would be providing the stamps to the town.

Supervisor Lewis stated that the Town of Goshen was holding off on a decision on the tax until they see how this all plays out for the Town of Glasgow.

Supervisor Lewis moved to authorize scheduling a public hearing on the draft ordinance. 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

Supervisor McDaniel asked that either Mr. Whitesell or Mr. Suter reach out to the Town of Glasgow and advise them of estimated costs and make aware that the County is not going to fund that for them.

Approval of Opioid Litigation Settlement:

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

"On or about July 21, 2021, the three largest pharmaceutical distributors, McKesson Corp., Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson ("Janssen") have reached agreement on global settlements that promise to provide up to \$26 billion in value nationwide. Approximately \$23 billion of that potential value will be available to state and local governments as compensation and for abatement of the harms caused by the opioid epidemic. Additionally, the settlements will offer injunctive relief that will compel the settling defendants to change their business practices in meaningful ways. The settlements hinge on participation by governmental entities in three ways:

- (1) By making up to approximately \$10 billion of the potential payments to states and localities contingent on the attainment of specified rates of participation by states and political subdivisions within states;
- (2) By establishing a tiered system that will reward all settlement participants for widespread participation in the settlements and low rates of future opioid litigation against the Distributors and Janssen; and
- (3) By providing opportunities for the settling defendants to abandon the settlements in its nascent stages if sufficient participation is not achieved.

On or about August 21, 2021, Virginia Attorney General Mark Herring, along with the attorneys general of 41 other states, 5 territories, and Washington, D.C., declared that Virginia endorses and has elected to participate in the settlements. On or about September 4, 2021, the settling defendants announced that this level of state attorney general participation represents sufficient critical mass to proceed to the next stage of approval, *i.e.*, approval by political subdivisions nationwide. Accordingly, under the terms of the settlement agreements, local governments have until January 2, 2022, to determine whether they wish to participate in the settlements.

Outside counsel (Sanford Heisler Sharp, LLP, Kaufman & Canoles, P.C., and The Cicala Law Firm, P.C.) recommend that all Virginia local governments elect to participate in the settlements, and that their client governing bodies take the necessary action to approve the settlements at meetings this Fall. The settlements are the result of years of hard-fought litigation and negotiations, and if adopted, they will provide significant and much needed resources to the Commonwealth and to Virginia localities with which to battle this emergency epidemic. Moreover, this funding will begin to be available almost immediately, versus what would undoubtedly be many more years of litigation before a Virginia trial against these defendants, whose future economic prospects, if settlements are not achieved, would be uncertain in the face of such huge, nationwide litigation exposure. Because Virginia local governments have developed a cohesive, united front in opioid litigation heretofore and because participating local governments will be fully aligned with the Attorney

General's Office vis-à-vis these settlements, it is anticipated that Virginia will be able to maximize the financial recovery under the applicable settlement agreements which will result in a sizeable \$530 million gross recovery. The settlement terms are complex, but the most salient terms are as follows:

- The Distributors will pay a maximum amount of \$21 billion over 18 years. The payments will be made in annual installments of up to approximately \$1.26 billion over the first ten payment years and up to \$1.03 billion over the last eight payment years.
- Janssen will pay a maximum amount of \$5 billion over no more than 9 years. If certain participation incentives are achieved within states, \$3.7 billion of that amount, including approximately \$72.3 million to Virginia, will be paid by July 2022.
- Approximately \$22.8 billion of that total maximum amount will be available for states and their political subdivisions as resolution of their claims and potential claims against the Distributors and Janssen.
- Of that \$22.8 billion, approximately \$12.2 billion of the total amount will be available as base, fixed payments to those who participate in the settlements, and approximately \$10.6 billion of the total amount will be available as incentive payments that will reward high participation rates by political subdivisions within the state.
- Each state's share of the total value of the settlements - both base payments and incentive payments - will be calculated as a percentage of the national total pursuant to a schedule of allocation percentages agreed to by state attorneys general. Virginia's share is 2.2801150757%. An

individual state's share of the total value of the settlements will not increase or decrease because one or more other states do not participate in the settlement. Therefore, Virginia's ability to maximize its recovery under the settlements is dependent upon participation rates of Virginia political subdivisions, not the participation rates in other states.

- The remaining approximately \$3 billion of settlement value will be set aside to fund a) credits toward potential settlements with Native American tribes and certain public entities that are uniquely situated, b) restitution and reimbursement for litigation costs and expenses incurred by state attorneys general and private attorneys, and c) a private attorneys' fee fund, which will reduce or eliminate the use of settlement proceeds to satisfy obligations under contingent fee contracts for fees.
- The Distributors will make a payment of approximately \$1.26 billion into an escrow account in September 2021, and both Distributors and Janssen will make initial annual payment by July of 2022. Money from the settlements could begin to flow to cities and counties in Virginia as early as April 2022, but the exact timing will depend on when certain milestones are achieved within the Commonwealth.
- If political subdivisions participate in sufficient number, Virginia's share of the Distributor and Janssen settlements will be approximately \$530 million.
- The funds that flow to Virginia will be allocated and distributed pursuant to the terms of the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU").

• Participation in the settlements will require a release of claims, and maximization of the value of the settlements in Virginia will require releases by litigating and non-litigating cities and counties, as well as at least certain sizeable towns and potentially a few other political subdivisions.”

Chairman Lyons asked Ms. Huffman if she concurred with the recommendation.

Ms. Huffman replied, yes.

Supervisor Lewis moved to adopt the resolution as presented.

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

Ayes: Lewis, Ayers, Day, 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, OCTOBER 25, 2021

RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCE-BERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY’S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Rockbridge County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Rockbridge County’s various departments and agencies; and

WHEREAS, Rockbridge County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Rockbridge County; and

WHEREAS, Rockbridge County has filed suit against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Rockbridge County; and

WHEREAS, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, Rockbridge County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel.

NOW THEREFORE BE IT RESOLVED that the Rockbridge County Board of Supervisors, this 25th day of October, 2021, hereby approves of the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Public Hearings at 6:00 p.m.:

JBLN Investment, LLC - (Thoroughbred Circle) - Application for an Amendment of Proffered Conditions from a Previously Approved Rezoning in the Residential Mixed (R-2) Zoning District:

Director of Planning and Zoning, Chris Slaydon, briefly reviewed the materials in the agenda item via power point which included the following information:

"JBLN Investment, LLC, has made an application for rezoning in order to amend a previously approved proffered condition associated with a rezoning of property in the Residential Mixed (R-2) Zoning District. The property is located on the east side of the privately owned section of Thoroughbred Circle, approximately 0.15 miles north of the intersection of Thoroughbred Circle (Route 750) and Valley Pike (Route 645), and is further identified as tax map number 62-33-22. The property is owned by JBLN Investments, LLC, and consists of 8.608 acres, per tax records.

The current proffered amendment was adopted after the most recent rezoning of the property, approved by the Board of Supervisors on January 25, 2021, and showed a total of 25 lots developed with single family houses. Since the approved rezoning, the developer has been working with VDOT and modifications to the original road plans have been proposed. Modifications include increase of the road width to twenty-two feet and an increase to the radius of the cul-d-sac. With the additional road width and modification of the cul-d-sac, the developer is proposing to add four duplex buildings and changing the total amount of lots from 25 to 27.

On October 13, 2021, the Planning Commission held its Public Hearing and has recommended approval of the Proffer Amendment."

Landowner/developer, Brasil Hamrick, further explained his intentions to mix in a couple duplexes and continue to provide affordable housing.

Chairman Lyons opened the public hearing at 6:07 p.m. There were no comments. Chairman Lyons closed the public hearing at 6:08 p.m.

Supervisor Lewis moved to adopt the ordinance as presented. 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, OCTOBER 25, 2021

Ordinance to Amend Proffered Conditions to a Prior Conditional Rezoning to Residential Mixed (R-2), With Conditions, Previously Amended by Ordinances Adopted February 23, 2009, April 22, 2013, and January 25, 2021, for an 8.608-Acre Parcel of Land (Tax Map No. 62-33-22) Owned By JBLN Investments, LLC, Located on the North Side of the Intersection of Thoroughbred Circle and Valley Pike Road in the Walkers Creek Magisterial District

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on October 13, 2021, and recommended to the Board of Supervisors that the zoning classification, with acceptance of amended proffered conditions, be approved; and,

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

WHEREAS, the Board of Supervisors held a public hearing on this matter on October 25, 2021; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning, with amended proffered conditions, of the subject 8.608-acre parcel of land would generally promote the health, safety, convenience 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 §15.2-2283 of the Code of Virginia.

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

1. That the amendment to the proffered conditions, from 25 lots for single-family dwellings to 27 lots for 5 duplex dwellings and 17 detached single-family dwellings and including additional road width to twenty-two feet (22') and increased radius for the cul-de-sac, for a portion of the subject property, zoned Residential Mixed District (R-2), with conditions, and with proffer amendments previously approved by Ordinances adopted on February 23, 2009, April 22, 2013, and January 25, 2021, for a certain parcel of real estate containing 8.608 acres, identified upon the Rockbridge County Land Records as Tax Map No. 62-33-22, located on the north side of the intersection of Thoroughbred Circle (Route 750) and Valley Pike (Route 645), in the Walkers Creek Magisterial District of Rockbridge County, and shown on a Preliminary Plat entitled 'JBLN INVESTMENTS, LLC' dated February 24, 2013, with latest revision date of September 15, 2021, and designated as "Proposed (September 15, 2021) Proffered Plan", a copy of which is attached hereto as Exhibit A and incorporated herein, is hereby authorized and approved, with and subject to the amended conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors hereby accepts.

2. That this action is taken upon the application of the property owner, JBLN Investments, LLC.

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.

**AKB Development, LLC - (Thoroughbred Circle) - Application for a
Removal of Proffered Conditions from a Previously Approved Rezoning in the
Residential Mixed (R-2) Zoning District:**

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

"AKB Development, LLC, has submitted an application for rezoning to remove proffered conditions associated with a portion of land in the Residential Mixed (R-2) Zoning District. The property is located on the north side of the privately owned portion of Thoroughbred Circle, approximately 0.4 miles north of the intersection of Thoroughbred Circle (Route 750) and Valley Pike Road (Route 645), and is further identified as tax map number 62-A-45. The property is owned by AKB Development, LLC, and consists of 32.041 acres, per tax records.

The current proffered development plan for the property is to develop the 4.35-acre portion of the property with forty-unit multi-family units (five, eight-unit, apartment buildings). The current proffered plan was approved by the Board of Supervisors on February 23, 2009. The proposed plans are to develop this portion of the property, along with the surrounding acreage in to a thirty-five lot cluster subdivision on 15.621 acres (4.35 acres under consideration and an additional 11.271 acres). The application to remove the proffered conditions associated with the previously approved multi-family units is required in order to develop the property into single-family lots.

On October 13, 2021, the Planning Commission held its Public Hearing and has recommended approval of the Proffer Amendment."

Mr. Hamrick further explained that he was one (1) of three (3) partners in the business.

Chairman Lyons opened the public hearing at 6:13 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor Lewis moved to adopt the ordinance as presented. 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, OCTOBER 25, 2021

Ordinance to Amend/Remove Proffered Conditions to a Rezoning from Residential General (R-1) to Residential Mixed (R-2), With Conditions, for a Multi-family Housing Project on a 4.35-Acre Parcel of Land (Portion of Tax Map No. 62-A-45) Owned by AKB Development, LLC, and Located Along the North Side of Thoroughbred Circle in the Walkers Creek Magisterial District

WHEREAS, AKB Development, LLC, has submitted an application to remove the proffered conditions associated with the conditional rezoning for a multi-family housing project approved by the Board of Supervisors on February 23, 2009, of a 4.35-acre parcel of land (portion of Tax Map No. 62-A-45) located along the north side of Thoroughbred Circle in the Walkers Creek Magisterial District; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on October 13, 2021, and recommended to the Board of Supervisors that the proffer amendment to remove the proffered conditions on the subject property be approved; and,

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

WHEREAS, the Board of Supervisors held a public hearing on this matter on October 25, 2021; and,

WHEREAS, the Board of Supervisors has determined that removal of the proffered conditions on the subject 4.35-acre parcel of land would generally promote the health, safety, convenience 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 §15.2-2283 of the Code of Virginia.

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

1. That the amendment of the conditional rezoning to Residential Mixed (R-2), approved on February 23, 2009, to remove the proffered conditions, on the parcel of real estate containing 4.35 acres, identified upon the Rockbridge County Land Records as a portion of Tax Map No. 62-A-45, located along the north side of Thoroughbred Circle off of Valley Pike Road in the Walkers Creek Magisterial District of Rockbridge County, be and hereby is authorized and approved.

2. That this action is taken upon the application of the property owner, AKB DEVELOPMENT, LLC.

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.

Heather & Mike Meads - (126 Autumn Ridge Lane) - Application for a Special Exception Permit to Operate a Lodge or Resort in the Agricultural and General Uses (A-2) Zoning District:

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

"Heather & Mike Meads, owners of Autumn Ridge Cottages, have made an application for a special exception to operate a lodge in the Agricultural and General Uses (A-2) Zoning District. Per section 603.03-1 of the County

of Rockbridge Land Development Regulations, a lodge is a use by special exception in the A-2 Zone. The property is located at 126 Autumn Ridge Lane, Lexington, VA 24450, on the east side of Old Farm Road (Route 671), approximately 0.2 miles north of the intersection of Old Farm Road (Route 671) and Jacobs Ladder (Route 701). The property is owned by Autumn Ridge Cottages, LLC, and consists of 39.335 acres, per tax records.

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.

The current use of the property is as a bed & breakfast inn which operates with three short-term rental cabins as lodging as well as a barn on the property. The proposed plan is for the renovation of the existing barn to accommodate one additional short-term rental, bringing the total number of units to four. The barn currently has electric, well, and septic.

On October 13, 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 site map dated "October 8, 2021".
2. Rental units shall be used for short-term rental only.
3. Approval is contingent on County Building Department, Erosion and Sediment Control/Stormwater Management, Virginia Department of Transportation, and Public Service Authority/Health Department approvals."

During his review, Mr. Slaydon mentioned one (1) change to the ordinance: changing the address to "190".

Applicant Mr. Meads further stated his intentions to add the additional rental.

Supervisor Lewis asked Mr. Meads if the other three (3) rentals were working out as planned.

Mr. Meads replied, yes.

Chairman Lyons opened the public hearing at 6:19 p.m. There were no comments. Chairman Lyons closed the public hearing.

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

Ayes: Ayers, Lewis, Day, 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 ADMINISTRATION OFFICES ON MONDAY,
OCTOBER 25, 2021

Ordinance Granting a Special Exception Permit to Heather and Mike Meads to Develop and Operate a Lodge on a 39.335-Acre Parcel of Land in the Agricultural and General Uses District (A-2), Owned By Autumn Ridge Cottages, LLC, and Located at 190 Autumn Ridge Lane, Lexington, Virginia, in the Buffalo Magisterial District and Further Identified as Tax Map #75-12-7B

WHEREAS, Heather and Mike Meads have filed an application for a special exception permit to develop and operate a lodge on a 39.335-acre parcel of land in the Agricultural and General Uses District (A-2), owned by Autumn Ridge Cottages, LLC, and located at 190 Autumn Ridge Lane, Lexington, Virginia, in the Buffalo Magisterial District, and further identified as Tax Map #75-12-7B; and,

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

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on October 13, 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 October 25, 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 603.03-1 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 Board of Supervisors finds that the granting of a special exception permit to Heather and Mike Meads to develop and operate a lodge on a 39.335-acre parcel of land in the

Agricultural and General Uses District (A-2) pursuant to LDR Section 603.03-1, owned by Autumn Ridge Cottages, LLC, and located at 190 Autumn Ridge Lane, Lexington, Virginia, in the Buffalo Magisterial District, and further identified as Tax Map #75-12-7B 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.

Redistricting Discussion:

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

"Local governments in Virginia are mandated to complete decennial redistricting in every year ending in one. With the recent release of the 2020 census data, it is again time for Rockbridge County to consider redistricting of magisterial districts. We have received the data and have begun to analyze it. Redistricting must comply with Federal and state Constitutional requirements. The districts must be more or less equal in population, in keeping with the principle of "one-person, one vote." In addition, the districts must be contiguous and compact with boundaries that follow pre-described, observable geographic boundaries, such as rivers or major highways. Lastly, the districts must not be drawn to discriminate based on race. The population deviation across the five

magisterial districts should be less than 5%. This deviation is calculated by subtracting the population deviation of the least populous magisterial district from the population deviation of the most populous magisterial district. The population deviation for each district is calculated around the "ideal" population. According to the 2020 census data, Rockbridge's population is 22,740; therefore, staff projects the "ideal" district population will be around 4,548 per district.

Preliminary information shows the following populations in the County's five districts:

<u>District</u>	<u>Population</u>	<u>Deviation</u>	<u>Dev % from ideal</u>
Buffalo	4,360	188	-4.13%
Kerrs Creek	5,072	524	11.52%
Natural Bridge	4,110	438	-9.63%
South River	4,665	117	2.57%
Walkers Creek	4,533	15	-0.33

As such, there will need to be adjustment of districts. Our goal is to return to the Board with options for consideration in November. A public hearing for any proposed district changes will be required prior to adoption of an ordinance setting new district boundaries."

Supervisor Lewis asked if the GIS mapping software could help with this.

Mr. Suter advised that there are "add-on extensions" to the GIS software, but right now you would need to do it all by hand and it would take a lot of work.

Supervisor Lewis stated that the boundaries have to be described or described and asked if all census block boundaries are described.

Mr. Suter replied that census blocks and census tracts follow either natural or man-made features, such as following a stream, road or mountaintop, but typically do not the crest of a small ridge although they sometimes do. Thus, he advised, the description must be in a written form that can be identified in the field. He added that once they are put into districts or precincts, there must be a written description.

Chairman Lyons advised that, should an extension not be granted, there is potential to add a second Board Meeting in December.

Mr. Suter added that there could be potential for legislative action and the goal is to have this completed on time and have it done right.

Supervisor Ayers noted that, presumably, there would be several different options to consider.

Mr. Suter concurred.

Chairman Lyons asked Mr. Suter to keep the Board apprised of the process.

Board Comments:

Chairman Lyons stated that the next Board Meeting was scheduled for Tuesday, November 9th. He advised that the annual VACo conference is typically held on the second Monday each November. Thus, the Board approved the meeting on the annual schedule for Tuesday, instead. However, he advised, the VACo meeting will not interfere with that Monday as it is being held the following week. He asked the Board if they were willing to move the meeting back to Monday, November 8th. The Board Members concurred.

Supervisor McDaniel wished each of the Board Members good luck in the upcoming election.

Closed Meeting:

Supervisor Ayers 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; and, as permitted by Virginia Code §2.2-3711(A) (3), discussion or consideration of a matter involving acquisition of real property for public purposes where discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy. 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

Supervisor Ayers moved to reconvene in open session following the closed meeting. A second was provided by Supervisor Day, and the motion carried by the following roll call vote by the Board.

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

Supervisor Ayers 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 Lewis, and the motion carried by the following roll call vote by the Board.

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

Adjournment:

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

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

Abstain: None