

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING, 150 SOUTH MAIN STREET LEXINGTON, VIRGINIA, ON MONDAY, OCTOBER 28, 2013, AT 5:30 P.M.

PRESENT: CHAIRMAN R.R.CAMPBELL
MEMBERS: J.M.HIGGINS, R.S.FORD, D.W.HINTY, JR., A.W.LEWIS,
JR
CLERK TO BOARD: SPENCER H. SUTER
COUNTY ATTORNEY: VICKIE L. HUFFMAN
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: CHARLIE MCGEE, ROBERT FORESMAN, SAM
CRICKENBERGER,
CHRIS SLAYDON, BRANDY WHITTEN

Call to Order

Chairman Campbell called the meeting to order at 5:30 p.m.

Supervisor Lewis delivered the invocation and led in the Pledge of Allegiance.

Recognitions/Presentations

Recognition of Employee Retirement

Chairman Campbell recognized an employee of Rockbridge County who would soon be retiring. Accordingly, Supervisor Lewis read aloud a resolution of appreciation to Mr. Troy Leroy Wimer, who will retire December 31, 2013. Mr. Wimer has worked at the Rockbridge County Maintenance Garage for twenty-seven years.

Jeremy Garrett, Director of Solid Waste and Transportation, stated that he had spoken to Mr. Wimer prior to the meeting, at which time Mr. Wimer apologized to the Board for not being able to attend the meeting and shared his appreciation to the Board for recognizing his retirement.

The Maintenance Garage Superintendent, Mr. Charlie McGee, accepted the resolution of appreciation on behalf of Mr. Wimer.

The following has been executed and filed in the office of the Clerk to the Board of Supervisors.

RESOLUTION EXPRESSING THE APPRECIATION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO TROY LEROY WIMER, ROCKBRIDGE COUNTY MAINTENANCE GARAGE SHOP FOREMAN, ON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-SEVEN YEARS OF SERVICE

WHEREAS, Mr. Troy Leroy Wimer was employed by the County of Rockbridge on October 13, 1986, as a mechanic at the Rockbridge County Maintenance Garage; and,

WHEREAS, Mr. Wimer served as a mechanic for eleven years; and,

WHEREAS, Mr. Wimer became the Rockbridge County Maintenance Garage Shop Foreman in 1997; and,

WHEREAS, Mr. Wimer has been responsible for the maintenance and repair of all Rockbridge County school buses; and,

WHEREAS, Mr. Wimer has worked closely with former Transportation Director Scott Hannah and current Transportation Director Kristie Campbell to ensure that buses are mechanically sound and ready for student transportation; and,

WHEREAS, Mr. Wimer has earned the respect and support of the Board of Supervisors, county staff, and citizens by demonstrating a commitment to the safety of Rockbridge County students; and,

WHEREAS, Mr. Wimer has worked diligently to maintain and repair many other County vehicles, ranging from Sheriff's Department cruisers to landfill equipment, and

WHEREAS, Mr. Wimer will retire on December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED: That the Board of Supervisors of the County of Rockbridge, Virginia, does hereby express deep appreciation to Troy Leroy Wimer, for his many years of dedicated service to Rockbridge County, and offers sincere congratulations and best wishes for a happy and productive retirement.

Adopted this 28th day of October, 2013.

Rockbridge County Board of Supervisors

Ronnie R. Campbell, Chairman

(SEAL)

County Administrator

Spencer H. Suter

Devils Backbone Brewery

Director of Community Development Sam Crickenberger introduced Josh West and Brittany Crandall, who were present and representing Devils Backbone Brewery. He then read aloud the following: "Devils Backbone Brewing Company won Small Brewing Company and Small Brewing Company Brewer of the Year recognition at this weekend's 2013 Great American Beer Festival, the largest brewing competition in the United States. This marks a remarkable 3rd national title in four years. Devils Backbone successfully defended their 2012 Small Brew Pub and Small Brew Pub Brewer of the Year standing at the festival. In 2010, the company won the Small Brewpub award at the World Beer Cup, the world's largest beer competition.

"The third national title in four years is a little unreal. It is stunning to be among the amazing array of renowned national craft brewers," said Steve Crandall, founder of Devils Backbone Brewing Company. In addition to the national title, Devils Backbone brought home six more medals at the 2013 Great American Beer Festival to add to their collection.

Mr. West came before the Board, which commended Devils Backbone Brewery for their work.

Citizen Comments

Chairman Campbell called for citizen comments. There were none.

Items to be added to the Agenda

Chairman Campbell called for items to be added to the agenda. There were none.

Approval of October 8, 2013 and October 15, 2013 Minutes

Supervisor Higgins moved to approve the October 8, 2013 and October 15, 2013 minutes, seconded by Supervisor Ford, and approved by unanimous roll call vote by the Board.

AYES: Higgins, Ford, Lewis, Hinty Campbell
NAYES: None
ABSENT: None

Convene Solid Waste Authority

With there being no business to discuss, the Solid Waste Authority was not convened.

Consideration of Tourism Zones

Director of Community Development Sam Crickenberger introduced the agenda item. Assistant Director of Community Development Chris Slaydon then provided a presentation based on the Planning Commission's recommendation regarding the proposed tourism zones at Natural Bridge, Holland's Tract, and the Raphine area.

Mr. Crickenberger then reviewed the Board Report, which included the following information:

Proposed Tourism Zone

Recognizing that tourism is an important component of the economy of the County of Rockbridge, the County has defined two Tourism Zones as permitted by Section 58.1-3851 of the Code of Virginia. The purpose of the Tourism Zones is to attract travel and tourism related business to these designated areas. The designation as Tourism Zones reflects that these two areas hold key opportunities for economic development within the County.

Provisions

In order to be considered for support under the County of Rockbridge Tourism Zones, the business must be within the boundary of the zones set by the Board of Supervisors, and the business owner must apply for a business license and be current on applicable taxes. New construction and substantial improvements must conform to the Uniform Building Code as adopted by the County. Specific standards necessary to qualify for incentives under the County of Rockbridge Tourism Zones include:

- New investment of \$250,000 for an existing business or \$500,000 for a new business
- New employee creation of five full time jobs for an existing business or ten full time jobs for a new business
- Development or expansion of a regional artisan center
- Development or expansion of a lodging establishment or Bed and Breakfast
- Development or expansion of a seated restaurant
- Development or expansion of a music center
- Development or expansion of outdoor recreational or sporting goods businesses
- Development or expansion of an antique merchandising shop or museum

Business concerns that are not affiliated with the above opportunities will not qualify for the incentives offered in the Tourism Zone Ordinance.

Incentives

The following tourism zone incentives are offered for a term of not more than five years:

- Business License Taxes paid to the County by March 1 are rebated at 50% by June 30.
- Building and Zoning Permit Fees for reconstruction and new construction rebated at 50%

**No incentives will be available on delinquent accounts

Supervisor Higgins asked Mr. Crickenberger if there were any restrictions on expansion of roads that are maintained by VDOT.

Mr. Crickenberger indicated that VDOT would not turn down a project.

Chairman Campbell asked if the zones are similar to the Midland Trail Scenic Byway.

Mr. Crickenberger indicated that this proposal was not similar to the Midland Trail Scenic Byway.

Supervisor Ford asked Mr. Crickenberger what is offered through this program that the County Economic Development Authority could not handle itself.

Mr. Crickenberger indicated that this would be a direct approach and would put incentive packages in place. He stated that gap funding is a possibility and that the State and County could each put in 1% of the sales tax generated by the project that would be used as gap funding.

Supervisor Hinty asked if the proposed tourism zone at The Natural Bridge would be the Natural Bridge itself or whether the zone would the zone expand further.

Mr. Slaydon indicated that the Planning Commission is looking at just the existing business zone which is 130 acres.

Supervisor Hinty asked if the KOA Campground at Fancy Hill had been looked at.

Mr. Crickenberger reviewed the businesses in that area and stated that the area around KOA has not been looked at thus far.

Supervisor Higgins indicated that he had talked with the owners of the vacant land for sale south of the Pink Cadillac. He stated that most were concerned that the property does not receive County water and sewer.

Chairman Campbell confirmed that he had read the tourism zone program from Spotsylvania County, Virginia, and was impressed.

Supervisor Ford asked Mr. Crickenberger to come back to the Board with scenarios of offers that the County can make, especially with regard to the Natural Bridge sale.

Chairman Campbell asked Mr. Crickenberger to come back to the Board with additional information on the proposed zones. Mr. Crickenberger requested that the Board review the draft and get back to him with any comments as soon as possible.

Public Hearings

Special Exception for Virginia Electric Power Company- Expand substation in the B-1 Zoning District

Supervisor Hinty read aloud the following disclosure statement: "I abstain from all matters, discussions, or voting related to the application of Virginia Electric and Power Company d/b/a Dominion Virginia Power for a special exception permit, and my disclosure statement required under Virginia Code §2.2-3115(E) is on file with the Clerk to the Board of Supervisors." Supervisor Hinty left the dais.

Assistant Director of Community Development Chris Slaydon introduced Mr. Daniel Doody and Ms. Nadiah Younus, both representing Dominion Virginia Power.

Ms. Younus presented a PowerPoint to include details of the proposed expansion. She listed project details as follows: expansion project at existing substation located along Route 11 - Lee Jackson Highway; first constructed in 1950s; parcel is 1.39 acres - owned by DVP; substation is

increasing in size from 0.38 acres to 0.75 acres; Property zoned B-1; the station is being fed by an existing transmission line; the substation footprint expanded at north and south sides of existing station; landscape improvements will help screen the facility; existing transmission line (t/l 26) with towers approximately 60' in height; proposed A-frame structure approximately 50' feet in height, due to the clearance requirements established by the National Electric Safety Code ("NESC"); substation equipment will vary in height but will average around 23' in height; substation will not create any excess noise, odor, or dust, nor will fumes be generated by the operation of this facility; and there is no impact to the surrounding area due to increase in traffic or public utilities.

She then listed the needs which the project will address as being: electric growth in the area; aging infrastructure; and improved reliability to the local distribution system.

Supervisor Ford asked Ms. Younus if the 50' tower would be visible from the Jones' dwelling on an adjacent parcel.

Ms. Younus replied no.

Chairman Campbell opened the public hearing at 6:11 p.m. With there being no citizen comments, Chairman Campbell closed the public hearing.

Supervisor Ford moved to adopt the ordinance granting a special exception permit to Virginia Electric and Power Company for expansion of its existing substation in the General Business District (B-1), located at the end of Econo Lane off the East side of North Lee Highway near the Interstate 64 interchange in the Kerrs Creek Magisterial District.

Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Higgins, Ford, Lewis, Hinty Campbell
NAYES: None
ABSENT: None
ABSTAIN: Hinty

Supervisor Hinty returned to the Dais.

The following has been executed and filed in the office of the Clerk to the Board of Supervisors.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, OCTOBER 28, 2013

Ordinance Granting A Special Exception Permit To Virginia Electric and Power Company for Expansion of Its Existing Substation in the General Business District (B-1), Located at the End of Econo Lane off the East Side of North Lee Highway near the Interstate 64 Interchange (Tax Map #61A2-4-2; #61A2-4-2J; and #61A2-4-2K) in the Kerrs Creek Magisterial District

WHEREAS, Virginia Electric and Power Company has applied for a special exception permit to expand an existing substation located at the end of Econo Lane off of the east side of North Lee Highway near the Interstate 64 interchange, shown on the Rockbridge County Land Records as a portion of Tax Parcel #61A2-4-2 and Tax Parcels #61A2-4-2J and #61A2-4-2K, in the Kerrs Creek Magisterial District of Rockbridge County, Virginia; and,

WHEREAS, the existing substation was constructed and has been continuously operated since prior to adoption of the Land Development Regulations in Rockbridge County; and,

WHEREAS, the property is located in the General Business District (B-1) and the proposed expanded use requires a special exception permit; and,

WHEREAS, the Planning Commission reviewed this application, following public hearing, on October 9, 2013, and has recommended approval of the special exception permit; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing in this matter on October 28, 2013; and,

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

WHEREAS, the Board of Supervisors has given due consideration to the factors set forth in Section 802.03-5 of the Rockbridge County Land Regulations, for issuance of a special exception permit.

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 in the General Business District (B-1) to Virginia Electric and Power Company for expansion of the existing substation, located at the end of Econo Lane off of the east side of North Lee Highway near the Interstate 64 interchange, shown on the Rockbridge County Land Records as a portion of Tax Parcel #61A2-4-2 and Tax Parcels #61A2-4-2J and #61A2-4-2K, in the Kerrs Creek Magisterial District, 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, conditioned upon substantial compliance with the site plan, dated April 19, 2013, as submitted.

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 28th day of October, 2013.

Recorded Vote:

AYES: Ford, Higgins, Lewis, Campbell

NAYES:

ABSTAIN: Hinty

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____

Chairman

Attest: _____

Spencer H. Suter, Clerk

Solid Waste Management Plan Amendment Public Hearing

Director of Solid Waste and Transportation Jeremy Garrett explained that, as discussed during the October 15, 2013 Board meeting, he had advertised for a public hearing regarding the required major permit amendment associated with the County's request to extend the existing landfill closure date. He reminded the Board that the amendment does not modify the existing landfill footprint or the final elevation, but does increase the finished slopes to 3:1. He confirmed that, following the suggestions made by the Board during the October 15th meeting, staff has made additional contact with both the City of Lexington and the City of Buena Vista to discuss the potential impacts of the modification request. Mr. Garrett asked Chairman Campbell to open the public hearing.

Chairman Campbell opened the public hearing at 6:14 p.m.

Mr. Eli Fishpaw of the Buffalo District came before the Board. Mr. Fishpaw indicated that he had read the proposal regarding the closing date on the existing landfill and to him it seemed reasonable. However, he stated that there had not been a public hearing on the new lined landfill. He noted that he was aware that the County has already been investing in the project and he was not trying to put a stop on the new landfill; however, he shared his disappointment that the County had not been working more on reducing waste. He noted that the September 2008 Zero Waste Resolution stated that waste should be reduced by 50% by year 2018. He shared that he and other members of the RACC Zero Waste Advocacy Committee had previously met with Mr. Garrett, who provided those details on what is proposed at the landfill; however, he felt he should come before the Board. He stated that he was not trying to start a campaign to stop the project, but as a matter of emphasis, he is disappointed that the County is not working more aggressively on the waste reduction. He stated that most of the waste reduction is attributable to a drop in the economy and not because of change in practices. He stated that new collection centers are not receiving the investment that they need. His personal preference would have been to put emphasis on investments into the collection centers and to provide support for the waste reduction. His concern on the proposal of the new landfill is that the County is investing in bad consumer disposal practices and also insulating the consumer from that cost. He asked how the investment will be paid. Would taxes be raised or would funds be taken from the schools? He suggested that the Board look into investing in the collection centers and developing public support for waste reduction. He stated that he has seen

some progress in that protocols were recently posted at current collection centers that tell people the rules and inform them that they can no longer do what they are used to doing like putting in brush. He added that a change in protocol should be accompanied by an education campaign as a key component to getting good compliance.

Supervisor Higgins assured Mr. Fishpaw that the Board has listened closely to his concerns and eventually will try to make a lot of his suggestions happen, but that it is difficult to follow all his suggestions in a short period of time. He stated that many of the shared concerns have previously been discussed by the Solid Waste Committee, and that in the future, the County will have to do something different with the collection centers and hold people accountable. He then thanked Mr. Fishpaw for coming to the Board meeting.

With there being no other comments, Chairman Campbell closed the public hearing at 6:22 p.m.

Supervisor Lewis supported Supervisor Higgins' comment. He stated that the Board may not have the same strategic priorities as Mr. Fishpaw, but it is currently looking at the collection center issues. He further noted that the Board is aware of the education program, and believes it is key to making effective changes. Supervisor Lewis shared that he was delighted to see that Mr. Fishpaw is still involved and interested and that the Board may be calling on him for more input.

Supervisor Ford indicated that he and Mr. Suter had recently gone to the Effinger Ruritan Club, where Mr. Suter gave a presentation on the proposed changes at the collection centers. He offered to make that PowerPoint presentation available to all interested citizens

Supervisor Lewis moved to adopt the resolution to approve the Rockbridge-Lexington-Buena Vista Solid Waste Management Plan Amendment. Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Lewis, Hinty, Ford, Higgins, Campbell
NAYES: None
ABSENT: None

The following has been executed and filed in the office of the Clerk to the Board of Supervisors.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, OCTOBER 28, 2013

RESOLUTION TO APPROVE ROCKBRIDGE-LEXINGTON-BUENA VISTA SOLID WASTE MANAGEMENT PLAN AMENDMENT

WHEREAS, Rockbridge County has operated and managed the existing regional landfill located in the County, pursuant to Permit No. 75 issued in 1972, and scheduled to close by December 31, 2012; and,

WHEREAS, by letter dated January 23, 2012, the County requested an extension on the closure date, and said request was approved by the Virginia Department of Environmental Quality (DEQ) on February 1, 2012, to continue operation through December 31, 2014; and,

WHEREAS, the County is continuing to work towards permitting a landfill expansion which would include a piggyback overlay of approximately 12 acres and a lateral expansion of approximately 23 acres, with the *"Proof of Concept, Rockbridge County Landfill, Expansion of Solid Waste Management Unit,"* dated December 4, 2012, having been submitted to DEQ in December 2012, and supported by DEQ in a letter dated December 17, 2012, subject to submittal and approval of the appropriate permitting; and,

WHEREAS, although the County remains committed to the landfill expansion concept, as evidenced in its filing of its *"Notice of Intent for Landfill Expansion"*, dated September 13, 2013, including local government approval, its *"Part A Application for Landfill Expansion"*, dated September 30, 2013 and submitted to DEQ on September 30, 2013, and its *"Major Permit Modification for Closure"*, dated September 30, 2013, and submitted on September 30, 2013, the County is requesting that the originally approved extension be extended to June 30, 2017, to:

(a) Allow the County adequate time to finalize the design and permitting documents and provide DEQ and other regulatory agencies sufficient time to review the documents and any forthcoming comments;

(b) Allow the County time to evaluate regional options which could improve the solid waste management programs for other localities in the area as well as improve the financial model for the expansion;

(c) Allow the County to organize construction in such a way as to promote use of local companies for that work that does not require specific landfill expertise;

(d) Allow the County to purchase equipment in a methodical manner during the extension period to assist with budgeting (a new compactor was recently purchased); and

(e) Allow the County to bring the operating landfill to better grades that will improve post closure maintenance as the landfill settles; and,

WHEREAS, DEQ has determined that the slope modifications over the original landfill footprint associated with the above-referenced *"Major Permit Modification for Closure"*, dated September 30, 2013, to achieve additional capacity and support an extension for operations, constitute a major amendment requiring that the Rockbridge-Lexington-Buena Vista Solid Waste Management Plan (the "SWMP") also be amended; and,

WHEREAS, the original SWMP was prepared by the Central Shenandoah Planning District, in accordance with 9VAC20-130, with the latest version being dated November 20, 2008, and on file with DEQ, as approved by DEQ on July 21, 2009; and,

WHEREAS, Draper Aden Associates has completed an amendment to the Solid Waste Management Plan to incorporate the additional closure capacity as well as the lateral expansion; and,

WHEREAS, the SWMP amendment has been presented to the Board of Supervisors of Rockbridge County for its consideration, and a public hearing on the amendment was scheduled for October 28, 2013, with publication of notice in the October 15th and October 23rd editions of the News-Gazette.

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

1. That, upon due consideration of the proposed amendment to the Rockbridge-Lexington-Buena Vista Solid Waste Management Plan, and upon due consideration of comments from interested citizens in the public hearing and/or submitted in writing, and of the benefits to the participating localities and the citizens of the region as recited above, the Solid Waste Management Plan Amendment dated November 1, 2013, be, and hereby is, authorized and approved.

2. That the Chairman of the Board and/or the County Administrator is authorized to execute such documents and take such actions as may be necessary in connection with the Solid Waste Management Plan Amendment, all of which shall be approved as to form by the County Attorney.

3. That this resolution shall be effective upon the date of its adoption.

Adopted this 28th day of October, 2013.

Recorded Vote:

AYES: Lewis, Hinty, Ford, Higgins, Campbell

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____

Chairman

Attest: _____

Spencer H. Suter, Clerk

Adjourn

On a motion by Supervisor Hinty, seconded by Supervisor Ford, the meeting was adjourned by unanimous roll call vote.