

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, NOVEMBER 8, 2021 AT 5:30 P.M.

BOARD MEMBERS PRESENT: D. E. LYONS
L.E. AYERS
R. W. DAY
A.J. "JAY" LEWIS, II. {arrived at 5:41 p.m.}

BOARD MEMBERS ABSENT: D.B. MCDANIEL

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the meeting to order at 5:31 p.m. He notified the public of the cancelled public hearing to extend the implementation date on the cigarette tax and advised that it would be held on November 22nd. He apologized on behalf of the Board for any inconveniences.

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

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:

There were none.

Citizens Comments:

Chairman Lyons called for comments from citizens via in-person, zoom, or written.

Carol Calkins of New Cameron Drive stated that she and 45 others have signed a petition for the Board to consider pertaining to potential change in speed limit signage around New Cameron Drive. Ms. Calkins then read aloud the following letter that was provided to the Board:

"To the County Administrator, Honorable Chair and the Board of Supervisors:

We, the residents of New Cameron Drive, Pinehurst Drive and side streets in our neighborhood have become concerned about drivers not obeying the 25mph speed limit signs on both these roads. Once Pinehurst Drive connected to Ross Road it became a short cut for nonresidents to access Thorn Hill Road which is most obvious during work/school hours. This increase in traffic is not only cars. We have more delivery drivers, construction trucks, and a school bus. Unfortunately, more traffic has resulted in more speeding in our neighborhood.

There are many young families living on both streets, especially New Cameron Drive. Children walk, bicycle and skateboard on both streets. Adults walking their dogs have also experienced dangerous situations with speeders. A majority of drivers coming from Ross Road down Pinehurst Drive to New Cameron Drive do not come to a full stop at the stop sign,

but at best, come to a "rolling stop" at that intersection. The same is true at the intersection of New Cameron Drive and Country Club Road, and Pinehurst Drive and Woods Edge.

We want to be proactive before a serious accident/incident involving family pets, human or wild life, or damage to property occur. It is the opinion of those who have signed below that a traffic calming study be initiated. Possible traffic calming devices to be considered could be speed bumps, rumble strips, and/or reduced and enforced 15 mph speed limit on both New Cameron and Pinehurst Drives. One concerned resident suggested sidewalks. We thank you for your consideration of this request and look forward to your response."

Mr. Suter advised the Board of his communication with VDOT staff the previous Friday regarding this matter.

Approval of the 9/16/2021 and 10/25/2021 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, Lyons
Nays: None
Absent: Lewis, McDaniel
Abstain: None

Consideration of the County Financial Package:

Fiscal Services Director Steven Bolster reviewed his monthly memorandum which included activities for the month for the Commissioner of The Revenue and Treasurer. He then reviewed the Revenues Versus Expenditures Chart followed by the Appropriation Resolution.

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

Ayes: Day, Ayers, Lewis, Lyons
Nays: None
Absent: McDaniel
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, NOVEMBER 8, 2021 AT 5:30 P.M.

On motion by Supervisor Day, seconded by Supervisor Ayers, the Board, by record vote, adopted the following appropriation resolution and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

GENERAL FUND:

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby is made, for the period ending **June 30, 2022**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-32021-5900 Lease of Property.....	\$5,000.00
Total General Fund Appropriations	\$5,000.00
Total Appropriations	\$5,000.00

Current County

11 - General Fund	\$508,467.07
94 - Central Stores	\$7,996.22
205 - ARPA Fund	\$23,271.49
372 - Construction Project Fund	\$3,065.00
376 - Capital Purchases Fund	<u>\$149,743.53</u>
Total County Bills	\$692,543.31
Current Fiscal Agent	
80 - Jail Fund	\$182,463.97
241 - E-Summons Fees	\$1,000.31
721 - Comm Atty Forfeiture Fund	<u>\$1,502.54</u>
Total Fiscal Agent	\$184,966.82
TOTAL ALL BILLS	\$877,510.13

Consideration of Fire and Rescue Association Recommendation for Natural Bridge VFD Participation in Interest Payment Program:

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

"For many years, the Board of Supervisors has supported volunteer fire and EMS department apparatus and equipment purchases via payment of interest on borrowings. The County annually budgets \$50,000 for this purpose and the funding is allotted on a "first come, first served" basis up to the cap of \$50,000. The process for request is as follows:

- 1) A department identifies a need and determines the amount necessary to borrow.
- 2) The department presents to the Volunteer Fire-Rescue Association (RVFRA), with the request to support its borrowing and associated interest funding support.

- 3) The RVFRA, respectively, considers the request and, if in agreement, makes a recommendation to the County Fire-Rescue Chief to support the department's request.
- 4) If all in agreement, the Fire-Rescue Chief presents to the Board of Supervisors for consideration.

Information which is submitted with each request to the Board includes:

- 1) Item(s) to be funded by the borrowing
- 2) Total amount to be borrowed
- 3) Interest rate
- 4) Amortization schedule showing principal and interest payments

The Board then considers the request(s) and unless there are concerns, approves payment of interest, dependent on available funding. The approved amounts are then reimbursed to the departments in the last quarter of each fiscal year. The last request approved by the Board was February 2019, for Glasgow Rescue and Kerrs Creek VFD.

Recently, we received a request to support adding the Natural Bridge VFD to the interest reimbursement list. The request is to fund interest payments associated with the recent purchase/upgrade of 13 new MSA G1 Supplied Air Breathing Apparatus (SCBA) with mask and 13 spare bottles, in the FY2022 budget year. An individual amortization schedule for the borrowing, as well as the minutes from the RVFRA meeting.

Again, the traditional policy which has been followed is a first come, first served basis. The table included shows the payments previously approved and the proposed first payment to Nbfd. Of course, there will likely be additional requests in future, so these numbers would change over time.

Should no other requests be received during FY2022, if the Board approves the Nbfd request as submitted, there will be a balance of \$5,357.47."

Supervisor Day moved to approve the RVFRA-supported request to add the Natural Bridge VFD to interest payment program. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

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

Follow-Up on Hull's Drive In Theatre Tax Exemption Discussion:

Mr. Suter briefly reviewed the following information:

"At its last meeting in October, the Board directed staff to approach Hull's leadership with this potential option, to see if it they would be interested in such an approach. I contacted Hulls Board member Matt Paxton and explained the option to him. He subsequently reviewed with Hulls leadership and let me know that they agreed and were very appreciative.

County Attorney Vickie Huffman has provided me with the process required for Hulls to seek exemption. They must first file an updated Application for Real Estate Tax Exemption with Commissioner of Revenue David Whitesell. His powers to grant exemption are limited under state code, so it is probable that he will be forced to deny the application. The next step would be for Hulls to apply to the Board of Supervisors for a designated exemption (typically filed with the County Attorney's office), with any additional statements to address the following mandated considerations for the Board in making such a decision:

The list of criteria is listed in your Board report. This is simply an update as requested at the last meeting. We will coordinate with Hulls to submit the necessary paperwork requesting exemption and return to the Board as necessary for final consideration."

Supervisor Lewis shared his support by stating this would be a good outcome for Hull's Drive In.

Consideration of Magisterial Redistricting Options:

Mr. Suter briefly reviewed the following information:

"On October 25th, I provided the Board with an update on the required redistricting process. To recap, 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. 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 roads. 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.

Based on the numbers included in your board package, the largest deviation is between the Kerrs Creek and Natural Bridge. The total deviation is therefore 21.15%. This means that the Kerrs Creek District must shrink in size and the Natural Bridge District must grow. Were the two districts contiguous, simply moving the boundary between the two would satisfy the constitutional requirements. However, the Buffalo District is situated between the two, meaning that it will be impacted in any decision the Board ultimately makes.

After a procurement process in accordance with County policy, we contracted with King-Moore Inc., an experienced mapping and data management firm, to assist in development of options for the Board to

consider, to balance the population(s) in the magisterial districts. Brandon Moore is with us this evening to assist in the discussion. He has about as much experience in local redistricting as anyone I know in the state, having worked on plans in 2001, 2011 and is working on multiple localities' plans for the current, 2021 process. It does not appear as though the Walkers Creek and South River Magisterial Districts will need to be impacted. However, and as I previously noted above, the remaining three districts will. Natural Bridge and Buffalo will need to grow geographically while Kerrs Creek will need to shrink. The question is, where should the line move.

Compounding the issue is the fact that both staff and King-Moore are currently limited to recommending options defined by census block boundary. The US Census divides blocks of land by easily describable boundaries such as roads, streams, major utility lines, etc. Persons residing within those describable boundaries are deemed as living within the census block. Thus, when considering how to balance populations between magisterial districts, entire populations within census blocks are grouped. The geographic size of census blocks tends to be large in rural areas, where defining the boundaries without physical identifiers such as roads becomes more difficult. In more densely populated areas such as urban/suburban communities, where there are more roads and other describable (in plain English language - a requirement of the final ordinance) features, census blocks are typically smaller, containing a more dense populace. The bottom line is, for the most part, we are limited in our ability to select blocks of land (census blocks) to move

from one district to another or order to balance the population among districts in accordance with law. Staff's goal, with the assistance of a third party (King/Moore), is to present the facts accurately and provide the Board with options for initial consideration and discussion.

Finally, and before we start looking at maps, I wanted to discuss schedule. State code requires that redistricting plans need to be adopted by the end of this year. However, we also typically receive the data early in the year - in February, giving plenty of time to go through the process. This year, the state did not release the final numbers until the latter part of September."

Ms. Huffman advised that, at the last legislative session, major amendments to the Rights of Voters Act included a range of protections but included in that was a change to the procedure for adoption of redistricting ordinances. What is available this year are two options. The first is to review and choose a plan, advertise that plan for 30 days and have at least one (1) public hearing on that plan and at some point, determine whether or not to adopt the plan. Should you choose to amend that plan, then you allow an additional 15 days for public comment on the amended plan. Once a determination is made on the amended plan, you have another 30 days for the public to appeal the decision on that plan. The total approval period would be 75 days. The second option, she stated, would be to proceed as you normally would for adoption of an ordinance. This means advertising weekly publications for two (2) weeks and hold the public hearing. With this option, she added, it would be a faster adoption

process by simply sending the adopted plan to the Office of the Attorney General for review. They then would have 60 days to either provide a certification of no objection. If they do not respond, it is deemed not objected to. She added that this would not preclude appeal to Circuit Court but it does expedite the process some.

Chairman Lyons asked Ms. Huffman what the penalty would be if a plan was not adopted by end of year.

Ms. Huffman stated that the only penalty she was able to find has been a mandamus action, and that action is simply to appeal to Circuit Court by a citizen to compel compliance with redistricting.

Mr. Suter then provided a handout to the Board which showed the different draft maps.

Brandon Moore provided three scenarios to discuss - Options A, B and C digitally.

Supervisor Ayers shared her concern about the number of citizens who would be changing districts.

Following review of the maps, Mr. Suter advised that the Board could further discuss their options at the Work Session on November 22nd.

Monthly Staff Reports:

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

Board Comments:

Chairman Lyons reminded the Board of the joint meeting with the School Board to review the schools comprehensive plan on at Maury River Middle School on Monday, November 15th at 5:00 p.m.

Supervisor Ayers asked that VDOT staff meet with the residents of New Cameron Drive who signed the petition mentioned during citizens comments.

Mr. Suter stated that he would ask VDOT staff to meet with those residents.

Adjournment:

Supervisor Lewis moved to adjourn at 6:45 p.m. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

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