

AT A WORK SESSION OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, NOVEMBER 22, 2021 AT 4:30 P.M.

BOARD MEMBERS PRESENT: D. E. LYONS
L.E. AYERS
R. W. DAY {arrived at 4:39 p.m.}
A.J. "JAY" LEWIS, II.
D.B. MCDANIEL

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the Work Session to order at 4:30 p.m. and advised that, 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.

Administrative Assistant to the County Administrator Brandy Whitten conducted a roll call. Supervisors Lewis, Ayers, McDaniel, and Lyons attended in-person at the time of roll call. Supervisor Day arrived at approximately 4:39 p.m.

Redistricting Discussion:

County Administrator Spencer Suter provided the following overview:

"At its last regular meeting on November 8th, I provided the Board with an update on the required redistricting process. Top recap, redistricting must comply with Federal and State Constitutional requirements. The districts must be more or less equal in population. 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." He then reviewed the six (6) principals or criteria that are considered by the courts as race-neutral, traditional principals, as listed on the Guide to Local Redistricting for 2021:

1. Contiguity
2. Compactness
3. Preservation of counties and other political subdivisions
4. Preservation of communities of interest
5. Preservation of cores of prior districts
6. Protection of incumbents

Mr. Suter stated that there are also a number of emerging criteria being added to the district landscape in states across the country and some of those criteria included:

1. Prohibition on favoring or disfavoring an incumbent, candidate, or political party
2. Prohibition on the use of partisan data
3. Competitiveness

He further reviewed that the population deviation across the five magisterial districts should be less than 5% of the average. Rockbridge's population is 22,740; therefore, staff projects the "ideal" district population will be around 4,548 per district. He then introduced Brandon Moore with King-Moore, Inc. who was present virtually. He advised that, since presenting three potential options on November 8th, he and Mr. Moore were able to meet virtual with several Board members at their request so that he could show in real time the population impacts of moving various census blocks from one district to another. He advised that this resulted in a fourth potential option which Mr. Moore would be reviewing with the full Board. Mr. Suter then asked Mr. Moore to begin by reviewing the original three options and then the fourth noting that there would be two options for to follow for the adoption process, both requiring a public hearing and public comment period.

Mr. Moore reviewed the three (3) original options and then the fourth. He noted that options A and B would move a newly-elected School Board member to a different district whereas options C and D would not. It was further noted that option C would move a voting precinct. It was also noted that a member of the BZA could be impacted by one of the options and change districts.

County Attorney Vickie Huffman advised that BZA members are not required to be appointed by district, it was just done so traditionally.

Following discussions, Mr. Suter advised that the Board could place this item of the December 13th agenda for potential action to select an option to advertise.

County Decal Discussion:

Mr. Suter reviewed the following overview:

“Over a number of years, the Board has discussed elimination of annual County decals or establishment of a permanent decal. The Board last discussed this in June, after opting not to make any changes in the FY2022 budget adoption process. At that time, the Board remitted the discussion to the Finance Committee (Supervisors McDaniel and Lewis) for additional study and recommendation.

Since then, the Finance Committee has met on multiple occasions with staff, Commissioner of Revenue David Whitesell and Treasurer Betty Trovato to discuss options. After a great deal of discussion, the Finance Committee is recommending implementation of a permanent decal next spring (2022) for the FY2023 budget. Key points of the recommendation include:

- The decal cost would be \$25.00
- It would apply to all vehicles registered in the County, as well as motorcycles and trailers (anything currently requiring the decal)
- In the future, when a resident buys / trades for a vehicle, motorcycle or trailer they would be required to buy a new, permanent decal from the Treasurer within 30 days of the purchase/transfer.

- If a permanent decal is lost or destroyed a new decal would need to be purchased.
- No future annual decal purchase would be required.
- Display requirements of the permanent decal would remain the same as they are now for the annual decal.
- Enforcement of decal display would remain with the Sheriff's Office.
- Effective date to display the new permanent decal would be April 15, 2022.

The current (FY2022) budget has \$470,000 in revenues attributed to annual decal sales. Most of that funding is associated with the March/April (2022) collection period. Given that only newly acquired vehicles/motorcycles/trailers would require permanent purchase in future years, that annual revenue line would need to be reduced. Based on vehicle registration estimates supplied by Commissioner Whitesell, future, annual sales of new permanent decals may be in the range of \$169,000. His estimate was based on an average number of vehicle transactions in a year x \$25.00. Thus, an estimate for annual reduction in revenue from that line would equate to approximately \$300,000. Ms. Huffman has provided a draft ordinance for your review. If after discussion the Board wishes to proceed, it can take action during the regular meeting directly following the work session."

He then advised that Treasurer Betty Trovato, Commissioner of the Revenue David Whitesell, and Deputy Commissioner Brooke Tomlin were present to answer questions.

Ms. Trovato thanked the Board for including the Treasurer in discussions pertaining to the decal and shared her support of the proposed plan.

Chairman Lyons stated that stated that, unlike years past, the value of used cars increased this year and the personal property tax remained the same. He asked how much additional revenue was collected as a result of the increased values.

Supervisor McDaniel believed it was between \$650,000- \$700,000.

Supervisor Lewis recalled \$676,000.

Supervisor Ayers stated that she had received complaints regarding personal property taxes being too much but has not received complaints about County decals.

Mr. Whitesell advised that, so far, it appeared that the car values would remain the same this year.

Chairman Lyons noted that the Board has the option to lower the personal property tax rate and also consider the permeant decal.

Supervisor McDaniel commended the committee members for their review of these matters.

Supervisor Day stated that, three years down the road, the Board is looking at less revenue if changing the current process for decals.

With no further discussions, Chairman Lyons closed the Work Session at 5:31 p.m.

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 22, 2021 AT 5:30 P.M.

BOARD MEMBERS PRESENT: D. E. LYONS
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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.

Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members present. All Supervisors attended in-person.

Chairman Lyons offered an invocation for anyone who wished to participate.

The Board then led in the Pledge of Allegiance.

Chairman Lyons advised of the following announcements:

"Per the Governor of the Commonwealth of Virginia Executive Order 72, persons who have been fully vaccinated for the COVID-19 virus are not required to wear a mask.

We will hold citizens comments near the beginning of the meeting.

We will do our best to take citizen comment remotely. There are two options for citizens to offer comment:

- 1) To join by Telephone, you may dial in to one of the numbers listed on the County Website. Webinar ID and Password are there for your convenience. Citizens wishing to simply view the meeting live or after the fact can do so on the Rockbridge County Board of Supervisors YouTube Channel, also available on the County website.
- 2) If you wish to make a citizen comment as a Zoom meeting participant, you will use the "Raise your Hand" feature. You can press the "Raise Hand" button on the bottom of your Zoom window, or press *9 if you are calling in by telephone.

Changes to the Agenda:

Chairman Lyons called for changes to the agenda.

There were none.

Recognitions and Presentations:

There were none.

Citizens Comments:

Doug Harwood of the Walkers Creek Magisterial District commented on the electronic entrance doors of the County Administration Building being locked and asked that they be unlocked on time.

Mr. Suter responded to Mr. Harwood's comment, apologizing and advising that Mr. Bolster had handled the situation.

Sarah Reynolds of Natural Bridge Station commented on a neighboring property owner of hers not taking adequate care of animals on their property. She shared pictures of those animals and advised that she felt forced to feed them herself.

Ginger Reynolds, also of Natural Bridge Station, asked the Board to consider changing the animal ordinance to protect animals from neglect and to mandate provision of adequate care, such as daily food and water, as well as adequate shelter. In doing so, she added, it would help the Sheriffs Department to be able to take action as needed against animal owners.

Approval of the November 9, 2021 Minutes:

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

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

Consideration of School Appropriation Resolution:

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

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

Ayes: Lewis, McDaniel, Ayers, Day, 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, NOVEMBER 22, 2021 AT 5:30 P.M.

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

APPROPRIATION RESOLUTION

FUND 50: SCHOOL FUND

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:

CIP Escrow Account

CIP Projects

4-50-66200-8100-903-001-100	Transportation Office....	\$100,000.00
4-50-66200-8100-390-003-100	Rpr RCHS Stdium Concrete.	<u>\$150,000.00</u>
	Total	\$250,000.00

TOTAL FUND 50 APPROPRIATIONS **\$251,748.00**

FUND 70: SCHOOL CONSTRUCTION FUND

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2022** in **FUND 70, SCHOOL CONSTRUCTION FUND** and expended as follows:

Capital Projects

4-70-66200-8100-920-002	CES-HVAC.....	\$1,049,543.00
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4-70-66200-8100-940-002 FES-HVAC.....	\$2,047,591.00
TOTAL	\$3,097,134.00
TOTAL FUND 70 APPROPRIATIONS	\$3,097,134.00
TOTAL APPROPRIATIONS	\$3,348,882.00

Consideration of Municipal Software Consulting Service Proposal Rankings:

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

"At its regular August 23rd meeting, the Board approved issuance of a Request for Proposals for Municipal Software Evaluation Consulting Services. Two proposals were received by the October 14th submission deadline and reviewed by a team consisting of:

- Steve Bolster - Fiscal Services Director
- Julie Whitesell - Supervisor of Accounts
- Stefan Janjic - Information Technology Manager
- Betty Trovato - Treasurer
- Brooke Tomlin - Chief Deputy Commissioner

The selection advisory team utilized the following criteria to rank the proposals:

- Specific plans or methodology to be used to perform services
- Professional qualifications of management and staff to be assigned to the project.

- Estimated cost of services to complete the Scope of Services.
- Demonstrated ability to meet project timelines.
- References from other clients.
- Geographic proximity to Rockbridge County.
- Other relevant information, as may be discovered, during evaluation process.

After review, the team has returned the following ranking of the two proposals for Board consideration:

- 1) Virtual IT, Inc.
- 2) Berry Dunn McNeil & Parker, LLC

Though either of the firms can complete the scope of services communicated in Financial Management Software Evaluation Consulting Services RFP, the committee determined that Virtual IT, Inc. was the top-ranked proposer.”

Supervisor Lewis thanked Mr. Bolster for looking into this, as it has been on the radar for a while to make some processes easier for the citizens, and thanked him for including the Constitutional Officers in the process. He then moved to authorize staff to enter into negotiations in the order of ranking, and to return to the Board with a contract for approval at the Board’s next meeting. 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

Review of the FY2023-2027 CIP Worksheets:

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

"The Fiscal Services Department is teaming with other County departments to update the Capital Improvement Program (CIP) for FYs 2023-2027. The CIP serves as a planning tool that identifies needed capital projects, major equipment purchases, and coordinates the funding and the timing of the proposed improvements. For our purposes, capital projects and/or purchases are defined as facilities, equipment, or services that are valued at \$5,000 or greater with an expected life span of at least one year.

During the past two months, staff has met twice to review the CIP worksheets in order to garner data we believe provides adequate information for each worksheet. In addition, staff provided the Finance Committee each worksheet along with the long-term outlook for the County's planned capital budgeting. The School Board approved their FY 2022 - 2029 CIP on October 12th and provided an overview to the Board of Supervisors on November 15th. Other regional agencies, such as the Rockbridge Regional Jail, Consolidated Dispatch, and Rockbridge Area Recreational Organization are likely considering the development of their respective CIPs. As a result, the additional impact on the County capital and/or operational budget is to be determined." He then reviewed the latest updates on the FY 2023-2027 CIP summary report and worksheets.

Mr. Suter noted that this was just a preliminary at the draft CIP as amounts are subject to change.

Mr. Bolster advised that the School Division's CIP, adopted by the School Board on October 11, 2021, was included in the Board Packet.

Supervisor Lyons stated that the School Division had CIP projects that were to be funded by financing and asked how those financings would fit into the current debt-service schedule.

Public Hearings at 6:00 P.M.:

Consideration to Extend Effective Date of Cigarette Tax:

Mr. Suter stated that the Board, at its October 25, 2021 meeting, authorized staff to advertise to change the effective date of the cigarette tax from January 1, 2022 to April 1, 2022. He advised that the ordinance was advertised for public hearing, and to-date, no public comment was received.

Chairman Lyons opened the public hearing at 6:00 p.m. There were no comments. Chairman Lyons closed the public hearing at 6:01 p.m.

Supervisor McDaniel asked if there were any updates from the towns.

Mr. Suter responded that discussions were ongoing with Goshen; however, had not heard from Glasgow.

Supervisor McDaniel asked if April 1 would be a good date to begin this tax as it is in the middle of the budget process or should the date be changed to July 1 when the new budget year begins.

Mr. Suter responded that he had asked the Commissioner of the Revenue what a good date would be for his office and Mr. Whitesell agreed with the proposed date.

Supervisor Lewis moved to adopt the ordinance. 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, NOVEMBER 22, 2021

ORDINANCE TO AMEND THE EFFECTIVE DATE FROM JANUARY 1, 2022, TO APRIL 1, 2022, OF THE ORDINANCE ADOPTED ON AUGUST 23, 2021, TO IMPOSE A CIGARETTE TAX AT THE RATE OF \$0.0125 PER CIGARETTE ON EACH CIGARETTE SOLD, WITH A MINIMUM OF \$0.25 PER PACKAGE, IN ROCKBRIDGE COUNTY

WHEREAS, on August 23, 2021, the Board of Supervisors adopted an Ordinance to impose a cigarette tax at the rate of \$0.0125 per cigarette on each cigarette sold, with a minimum of \$0.25 per package; and,

WHEREAS, the effective date of the Ordinance was January 1, 2022; and,

WHEREAS, additional time is required to establish the processes, purchase the stamps, implement procedures, and give adequate notice and information to the businesses that will be responsible for purchasing the stamps.

NOW, THEREFORE, BE IT ENACTED by the Rockbridge County Board of Supervisors that the effective date of the cigarette tax imposed by Ordinance adopted August 23, 2021, is hereby changed from January 1, 2021, to April 1, 2022.

This Amendment Ordinance shall be effective on and from the date of its adoption.

Adopted this 22nd day of November, 2021.

Ecco Adesso - (340 Ecco Adesso Lane) - Application for a Special Exception Permit to Operate a Special Events Venue in the Agricultural and General Uses (A-2) Zoning District:

Community Development Director Chris Slaydon briefly reviewed the agenda item which included the following information:

"Michael & Cierra Weatherly have made an application for a special exception to operate a special events venue in the Agricultural and General Uses (A-2) Zoning District. Per section 603.03-24 of the County of Rockbridge Land Development Regulations, special events are a use by special exception in the A-2 Zone. The property is located at 340 Ecco Adesso Lane, Fairfield, VA 24555, on the east side of Borden Grant Trail (Route 706), approximately 0.46 miles south of the intersection of Borden Grant Trail (Route 706) and Mackey's Lane (Route 714), and is further identified as tax map numbers 64-15-B1 and 64-15-B. The parcels under consideration are owned by C5 Business Development Innovations LLC and consists of a combined total of 143.203 acres per tax record. C5 Business Development Innovations LLC owns an additional acreage to the east that consists of 188.877 acres (per tax records). The additional acreage to

the east is under an open space easement with the Virginia Outdoor Foundation (VOF). The total acreage is 332.09 (per tax records).

Per section 302.191B of the County of Rockbridge Land Development Regulations, Special Events are defined as; Weddings, receptions and reunions which are advertised or marketed in any form including, but not limited to, posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services; and/or whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above stated criteria. Events regulated under Chapter 4, Article II of the County Code do not fall under this definition or associated requirements, and a special event for which a Special Exception Use Permit has been issued under these Regulations shall be exempt from Chapter 4, Article II of the County Code.

The property is currently being used as a farm winery and short-term rentals. The owners have made an application for a special exception in order to hold special events on the property.

At the October 13, 2021 Planning Commission Meeting, the Commission held its public hearing. The Commission heard from an adjoining land owner that supported the application and from other adjoining landowners and other citizens in the area that expressed concerns/opposed the application. Concerns that were expressed included additional traffic, noise concerns, and light pollution. The Planning Commission postponed

taking action on the application and the application was placed on the November 10, 2021 Planning Commission Agenda.

At the November 10, 2021 Planning Commission meeting the Commission recommended approval of Special Exception application with the following conditions:

1. Vineyard/Tasting Room(s) operation(s) shall be closed/ not open to the public during Special Events.
2. Permit is limited to no more than 52 special events per year.
3. Substantial Compliance with concept plan prepared by applicant titled "Schematic Plan Showing Parking & Proposed Venue at Ecco Adesso Vineyards".
4. Events will be limited to a maximum of 250 attendees, with no more than 125 vehicles on-site for events. Event manager shall be on-site during all Special Events.
5. All site activities will be concluded by 9:00 P.M. on Mondays through Thursdays, and by 10:00 P.M. on Fridays and Saturdays. No Special Events will be held on Sundays.
6. Adequate off-street parking facilities and traffic controls will be provided. No parking along Borden Grant Trail (Route 706). A stop sign shall be installed on the property at the entry to Borden Grant Trail.
7. Alcoholic beverages will not be self-served.

8. All trash shall be taken directly to the landfill and not to County collection centers or County green boxes.
9. Any amplified music must be within an enclosed structure.
10. Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations, as well as with the International Dark Sky Association for fixtures and bulbs.
11. No aerial fireworks, or gun salutes, shall be permitted. No open-air fires shall be permitted by attendees.
12. Approval contingent on County Building Department, Virginia Department of Transportation, and Health Department approvals."

In regard to condition #10: Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations, as well as with the International Dark Sky Association for fixtures and bulbs, Mr. Slaydon advised that the Board would have to adopt the 2011 Illuminating Engineering Society of North America model ordinance.

The applicant, Mr. Weatherly, further reviewed the final provisions, explaining they were created by the applicant prior to speaking with neighbors and shared their intentions to make them so restrictive.

Supervisor McDaniel asked Mr. Weatherly why they were limiting themselves to one (1) event per week.

Mr. Weatherly replied that they wanted to start off slow and make part of their revenue stream but not the only part. He stated that they were not trying to have multiple weddings on a single weekend. He noted

that anyone having a wedding would have to rent out all of the facilities on-site to keep traffic down.

Supervisor Ayers asked how many people could be accommodated on-site.

Mr. Weatherly replied, up to about 30 or 40.

Supervisor Ayers asked if there were a bus that ran through the property for transportation.

Mr. Weatherly stated that they did not have a bus, but have talked about it.

Chairman Lyons opened the public hearing at 6:20 p.m.

Neighboring property owner, Ms. Laura Neele, stated that she had submitted a letter of opposition to granting this permit. She stated that she and other concerned neighbors had met with the property owners prior to the Planning Commission when the parameters for the proposed events were created. However, she added, her greatest concern regards noise from the events. She stated that the parking lot and pavilion are in a direct line of sound to her property. She then requested that the Board consider adopting a noise ordinance for special event venues and wineries.

Steven Kator of Mackys Lane stated that Mackeys Lane would be the main thoroughfare that most people would use to reach Ecco Adesso. He stated that that road in particular averages a serious wreck about once every other year which is a lot for such a short road but noted that there is a dangerous "s"-turn. As for Borden Grant Trail, he added, there were two (2) crashes in 2016, three (3) in 2017, two (2) in 2018, five (5) in

2019, six (6) in 2020, and five (5) in 2021. Mr. Kator advised that about a third of those crashes were related to alcohol or documented speeding. He shared his concern that there are no reduced speed limits on those narrow roads with blind turns, blind hills, and blind entrances. He advised that Ecco Adesso is a prime example, as they have a blind entrance. Mr. Kator stated that there had been two (2) accidents at the entrance of Whistle Hollow Farm which is also a special events venue and stated that perhaps opening that venue would cause the additional traffic.

Chris Bowring of Sheep Creek Lane shared his support of the proposed development and plan.

Director of Virginia Transportation Construction Alliance, Mr. Thomas Marando, shared a comment via Zoom regarding a speed study of the concerning roads. He advised that his company would be willing to conduct the study if needed.

Chairman Lyons closed the public hearing at 6:28 p.m.

Chairman Lyons asked if the entrance to the property was approved by VDOT.

Mr. Slaydon responded, yes, for a moderate volume commercial entrance with significant improvements since ownership.

Chairman Lyons inquired about a stop sign when exiting the property.

Mr. Slaydon responded, it was not required by VDOT to have a stop sign, however the Planning Commission requests one as shown in Condition

#6. He noted that the applicant would be responsible for installing the sign.

Supervisor McDaniel inquired about a speed study from VDOT.

Chairman Lyons asked Mr. Suter to reach out to VDOT in regards to the study on Borden Grant Trail and Mackeys Lane.

Mr. Suter concurred.

Supervisor Ayers added New Cameron Drive to the list.

Supervisor McDaniel asked if there were any consideration by the Planning Commission for any type of vegetation or shrubs along the boundary line to subdue some of the noise.

Mr. Slaydon replied, yes, advising that the property owners met with neighbors and drafted a set of conditions that included screening/vegetation to reduce the amplified noise around the pavilion area. In regard to Planning Commission discussion, he added, there would need to be a landscaping plan showing the location, types of plantings, and their size. Thus, he noted, the Planning Commission at that time felt that the existing vegetative buffer and the requirement that amplified music be within a closed structure took care of the concern.

Supervisor Day moved to adopt the ordinance as presented. Supervisor Lewis provided the second.

Mr. Slaydon rereviewed Condition #10: Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations, as

well as with the International Dark Sky Association for fixtures and bulbs.

Ms. Huffman suggested removing the second half of the Condition. If approved, the new Condition would state: Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.

Supervisor Day moved to amend his previous motion, removing "International Dark Sky Association for fixtures and bulbs", from Condition #10. Supervisor Lewis seconded the amended motion.

Supervisor Ayers inquired about the enforcement of the current lighting ordinance.

Mr. Slaydon advised that the current lighting ordinance is rather restrictive, and a large part of the dark sky compliance and the ordinance, is the fully cut off shields.

The ordinance was adopted with the amendment to Condition #10 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 ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY,
NOVEMBER 22, 2021

**Ordinance Granting a Special Exception Permit to Michael and Cierra Weatherly
d/b/a Ecco Adesso, on Property Owned by C5 Business Development
Innovations, LLC, for Special Events in the Agricultural and General Uses District
(A-2), Located at 340 Ecco Adesso Lane in Fairfield, on the Southeast Side of**

Borden Grant Trail (Route 706), Identified as Tax Map #64-15-B1 and #64-15-B, in the South River Magisterial District

WHEREAS, Michael and Cierra Weatherly, d/b/a Ecco Adesso, have applied for a special exception permit to develop a special events venue in the Agricultural and General Uses District (A-2), on property owned by C5 Business Development Innovations, LLC, located at 340 Ecco Adesso Lane, Fairfield, Virginia, on the southeast side of Borden Grant Trail (Route 706), identified as Tax Map #64-15-B1 and #64-15-B, in the South River Magisterial District; and,

WHEREAS, the Planning Commission reviewed this application and held a public hearing on October 13, 2021, with further review on November 10, 2021, and has recommended approval of the special exception permit to the Board of Supervisors, subject to the specified conditions; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing in this matter on November 22, 2021; 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, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, 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 Michael and Cierra Weatherly, d/b/a Ecco Adesso, to develop a special events venue and hold Special Events

pursuant to Section 603.03-24 of the Rockbridge County Land Development Regulations in the Agricultural and General Uses District (A-2), on property owned by C5 Business Development Innovations, LLC, located at 340 Ecco Adesso Lane, Fairfield, Virginia, on the southeast side of Borden Grant Trail (Route 706), in the South River Magisterial District, and identified on the Rockbridge County Land Records as Tax Map #64-15-B1 and #64-15-B, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this 22nd day of November, 2021.

Exhibit A

SPECIAL EXCEPTION PERMIT CONDITIONS

Owner: C5 BUSINESS DEVELOPMENT INNOVATIONS, LLC

Applicant: Michael and Cierra Weatherly d/b/a Ecco Adesso

- (1) Vineyard/Tasting Room(s) operation(s) shall be closed/ not open to the public during Special Events.
- (2) Permit is limited to no more than 52 special events per year.
- (3) Substantial Compliance with concept plan prepared by applicant titled "Schematic Plan Showing Parking & Proposed Venue at Ecco Adesso Vineyards".
- (4) Events will be limited to a maximum of 250 attendees, with no more than 125 vehicles on-site for events. Event manager shall be on-site during all Special Events.

- (5) All site activities will be concluded by 9:00 P.M. on Mondays through Thursdays, and by 10:00 P.M. on Fridays and Saturdays. No Special Events will be held on Sundays.
- (6) Adequate off-street parking facilities and traffic controls will be provided. No parking along Borden Grant Trail (Route 706). A stop sign shall be installed on the property at the entry to Borden Grant Trail.
- (7) Alcoholic beverages will not be self-served.
- (8) All trash shall be taken directly to the landfill and not to County collection centers or County green boxes.
- (9) Any amplified music must be within an enclosed structure.
- (10) Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.
- (11) No aerial fireworks, or gun salutes, shall be permitted. No open-air fires shall be permitted by attendees.
- (12) Approval contingent on County Building Department, Virginia Department of Transportation, and Health Department approvals.

Devin Voss & Gail Milam - (529 Wesley Chapel Road) - Application for a Rezoning from the Residential General (R-1) to the Agricultural and General Uses (A-2) Zoning District:

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

"Devin Voss & Gail Milam have submitted an application for rezoning from the Residential General (R-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District. The property is located at 529 Wesley Chapel Road, Lexington, VA 24450, and is further identified by the following tax map numbers; 88-5-1H, 88-5-1H1, 88-5-1G, 88-5-1GA, 88-7-2C, 88-7-2, and 88-7-1D. The property under consideration consists of 100.895

total acres, per tax records. The property lies on the east side of Wesley Chapel Road (Route 699) and is approximately 0.28 miles south of the intersection of Wesley Chapel Road (Route 699) and Poplar Hill Road (Route 801).

On November 19, 2007 the property was placed under an open space easement with the Virginia Outdoor Foundation (VOF). The property is being primarily used as farm land with approximately six and a half acres in woodland. There is not currently public water or sewer in the area. The property is in and surrounded by the R-1 Zoning District, with Agricultural and General Uses (A-2) Zoning District to the east. There are three separate improvements on the property at the moment; one single-family dwelling and two farm structures. The applicants own two additional tracts of land that are contiguous to the parcels under consideration. The two adjacent parcels include tax map number 88-5-1I (vacant land - 9.66 acres per tax records) and a second parcel (88-5-1F - 1.0 acre with a single-family dwelling). These parcels are not part of the rezoning application and are proposed to remain in the R-1 Zoning District.

On November 10, 2021, the Planning Commission held its Public Hearing and has recommended approval of the rezoning application without proffers."

Co-Owner of the property, Mr. Darwin Voss further explained that the property had been in a conservation easement since it was purchased and that the owners plan to keep it as agricultural land.

Chairman Lyons opened the public hearing at 6:45 p.m. There were no comments. Chairman Lyons closed the public hearing at 6:46 p.m.

Supervisor Ayers moved to adopt the ordinance. 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 ADMINISTRATIVE
OFFICES ON MONDAY, NOVEMBER 22, 2021

Ordinance to Change the Zoning Classification of an Aggregate of 100.895 Acres (Tax Map #88-5-1H, #88-5-1H1, #88-5-1GA, #88-7-2C, #88-7-2, and #88-7-1D) Owned by Darvin A. Voss and Gail D. Milam, from the Residential General (R-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District, Located at 529 Wesley Chapel Road (Route 699), in the Buffalo Magisterial District of Rockbridge County

WHEREAS, Darvin A. Voss and Gail D. Milam are the owners of six (6) parcels of land, identified on the Rockbridge County Land Records as Tax Map #88-5-1H, #88-5-1H1, #88-5-1GA, #88-7-2C, #88-7-2, and #88-7-1D, totaling 100.895 acres, more or less, located at 529 Wesley Chapel Road (Route 699) in the Buffalo Magisterial District of Rockbridge County, Virginia; and,

WHEREAS, the owners have applied for rezoning of said properties from the Residential General (R-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District; and,

WHEREAS, the Planning Commission held a public hearing on this matter on November 10, 2021, and recommended approval of the application to the Board of Supervisors; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on November 22, 2021; and,

WHEREAS, the Board of Supervisors has determined that the rezoning of the property would generally promote the health, safety and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia; 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, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the purposes set forth in §15.2-2283 of the Code of Virginia, 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 zoning classification of an aggregate of 100.895 acres, more or less, identified on the Rockbridge County Land Records as Tax Map #88-5-1H, #88-5-1H1, #88-5-1GA, #88-7-2C, #88-7-2, and #88-7-1D, located at 529 Wesley Chapel Road (Route 699), in the Buffalo Magisterial District, owned by Darvin A. Voss and Gail D. Milam, be and hereby is changed from the Residential General (R-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District
2. That this action is taken upon the application of the property owners, Darvin A. Voss and Gail D. Milam.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 22nd day of November, 2021.

James M. Baker Jr. - (255 Poplar Hill Road) - Application for a Rezoning from the Residential General (R-1) to the Agricultural and General Uses (A-2) Zoning District:

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

"James M. Baker Jr. has submitted an application for rezoning to rezone 30.816 acres, per tax records, from the Residential General (R-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District. The property is located near 255 Poplar Hill Road, Lexington, VA 24450, and is further identified by the following tax map numbers; 88-3-A1 (14.999 acres per tax records), 88-5-1 (12.967 acres per tax records), and 88-3-B (2.85 acres per tax records). The property under consideration consists of 30.816 total acres, per tax records. The property lies on the south side of Poplar Hill Road (Route 801) and at the corner of Poplar Hill Road (Route 801) on the southside of the intersection of Old Farm Road (Route 671) and Poplar Hill Road (Route 801).

The property is located in the R-1 Zoning District. The property borders the A-2 Zoning District to the west. The property is primarily

used for farming with approximately 5.25 acres of woodland. The property currently has three improvements on it; a single-family dwelling and two farm structures. There is an additional one-acre parcel under separate ownership (88-5-5A), this is surrounded by tax map 88-5-1, that has a single-family dwelling on it and will remain R-1.

On November 10, 2021, the Planning Commission held its Public Hearing and has recommended approval of the rezoning application without proffers."

The property owner, Mr. Baker, further explained that the land has always been leased for hay and was in land use.

Chairman Lyons opened the public hearing at 6:55 p.m. There were no comments. Chairman Lyons closed the public hearing at 6:56 p.m.

Supervisor McDaniel asked Mr. Slaydon, should there be a new property owner at some point who wanted to develop it, could the zoning revert back?

Mr. Slaydon replied, yes, through the same process. He added that there is no public water or sewer in this area.

Supervisor Ayers moved to adopt the ordinance. 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 ADMINISTRATIVE
OFFICES ON MONDAY, NOVEMBER 22, 2021

**Ordinance to Change the Zoning Classification of an Aggregate of 30.816 Acres
(Tax Map #88-3-A1, #88-5-1, and #88-3-B) Owned by James M. Baker, Jr., Trustee,
from the Residential General (R-1) Zoning District to the Agricultural and General
Uses (A-2) Zoning District, Located at 255 Poplar Hill Road in the Buffalo
Magisterial District of Rockbridge County**

WHEREAS, James M. Baker, Jr., Trustee, is the owner of three (3) parcels of land, identified on the Rockbridge County Land Records as Tax Map #88-3-A1, #88-5-1, and #88-3-B, totaling 30.816 acres, more or less, located at 255 Poplar Hill Road in the Buffalo Magisterial District of Rockbridge County, Virginia; and,

WHEREAS, the owner has applied for rezoning of said properties from the Residential General (R-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District; and,

WHEREAS, the Planning Commission held a public hearing on this matter on November 10, 2021, and recommended approval of the application to the Board of Supervisors; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on November 22, 2021; and,

WHEREAS, the Board of Supervisors has determined that the rezoning of the property would generally promote the health, safety and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia; 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, after due

consideration to the presentations and comments at the public hearing hereon, and after evaluation of the purposes set forth in §15.2-2283 of the Code of Virginia, 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 zoning classification of an aggregate of 30.816 acres, more or less, identified on the Rockbridge County Land Records as Tax Map Tax Map #88-3-A1, #88-5-1, and #88-3-B, located at 255 Poplar Hill Road in the Buffalo Magisterial District, owned by James M. Baker, Jr., Trustee, be and hereby is changed from the Residential General (R-1) Zoning District to the Agricultural and General Uses (A-2) Zoning District.

2. That this action is taken upon the application of the property owner, James M. Baker, Jr., Trustee.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 22nd day of November, 2021.

**Hank Leech - (2920 South Buffalo Road) - Application for a Special
Exception Permit in the Agricultural and General Uses (A-2) Zoning
District for a Special Events Venue:**

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

"Hank Leech has made an application for a special exception to operate a special events venue in the Agricultural and General Uses (A-2) Zoning District. The property is located at 2920 South Buffalo Road, Lexington, VA 24450, and is further identified by the following tax map numbers; 94-A-19 (4.0 acres per tax record), 93-A-32 (3.0 acres per tax records), and 93-A-32A (3.0 acres per tax records). The property is located on the west side of South Buffalo Road (Route 611), approximately 0.425 miles south of the intersection of South Buffalo Road (Route 611) and Spring Branch Road (Route 662). Tax Map 94-A-19 is owned by Hank T. and Blake W. Leech, Tax Map 93-A-32A is owned by Blake W. Leech, and Tax Map 93-A-32 is owned by Hank T. Leech. The three tracts consist of 10 total acres, per tax records. There is currently a single-family dwelling on tax map 94-A-19 with the remaining land as an open field. A portion of the property is located in Zone A, area within the 100-year flood plain. The proposed parking area is located outside of Zone A.

The property is in the Agricultural and General Uses (A-2) Zoning District. Per section 603.03-24 of the County of Rockbridge Land Development Regulations, special events are a use by special exception in the A-2 zone. Per section 302.191B of the County of Rockbridge Land Development Regulations, Special Events are defined as; Weddings, receptions and reunions which are advertised or marketed in any form including, but not limited to, posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges

for goods/services; and/or whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above stated criteria. Events regulated under Chapter 4, Article II of the County Code do not fall under this definition or associated requirements, and a special event for which a Special Exception Use Permit has been issued under these Regulations shall be exempt from Chapter 4, Article II of the County Code.

On November 10, 2021, the Planning Commission held its Public Hearing and has recommended approval of the special exception application with the following conditions:

1. Events will be limited to a maximum of 100 attendees, with no more than thirty-five (35) vehicles on-site for events.
2. All site activities will be concluded by 11:00 p.m.
3. Adequate off-street parking facilities and traffic controls will be provided. No parking along South Buffalo Road (Route 611).
4. Alcoholic beverages will not be self-served.
5. All trash shall be taken directly to the landfill and not to County collection centers or County green boxes.
6. Any amplified music must be within an enclosed structure and concluded by 11:00 p.m.
7. Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.

8. No aerial fireworks shall be permitted. No outdoor fires shall be permitted by attendees.

9. Approval contingent on County Building Department, Virginia Department of Transportation, and Health Department approvals.

10. Tax Map #93-A-32 (3.0 acres per tax record) and Tax Map #93-A-32A (3.0 acres per tax record) are allowed to be used for events.

The applicant, Hank Leech, advised that he had inherited the property and further reviewed his plans for a special events venue.

Supervisor Ayers asked Mr. Leech if had had spoken to any of the neighboring property owners.

Mr. Leech replied, yes.

Chairman Lyons opened the public hearing at 7:02 p.m. There were no comments. Chairman Lyons closed the public hearing at 7:03 p.m.

Supervisor Lewis moved to adopt the 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY,
NOVEMBER 22, 2021

**Ordinance Granting a Special Exception Permit to Hank T. Leech on Property
Owned by Hank T. Leech and Blake W. Leech, for Special Events in the**

Agricultural and General Uses District (A-2), Located at 2920 South Buffalo Road, Identified as Tax Map #94-A-19, in the Buffalo Magisterial District

WHEREAS, Hank T. Leech has applied for a special exception permit to develop and operate a special events venue in the Agricultural and General Uses District (A-2), on property containing 4 acres, more or less, identified as Tax Map #94-A-19, owned by Hank T. Leech and Blake W. Leech, located at 2920 South Buffalo Road in the Buffalo Magisterial District; and,

WHEREAS, Blake W. Leech is the owner of an adjoining parcel of land, containing 3 acres, more or less, and identified as Tax Map # 93-A-32A, and Hank T. Leech is the owner of a parcel of land adjoining that, containing 3 acres, more or less, and identified as Tax Map #93-A-32; and

WHEREAS, the Planning Commission reviewed this application and held a public hearing on November 10, 2021, and has recommended approval of the special exception permit to the Board of Supervisors, subject to the specified conditions; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on November 22, 2021; 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, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, 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 Hank T. Leech to develop a special events venue and hold Special Events pursuant to Section 603.03-24 of the Rockbridge County Land Development Regulations in the Agricultural and General Uses District (A-2), on property owned by Hank T. Leech and Blake W. Leech, containing 4 acres, more or less, identified as Tax Map #94-A-19, owned by Hank T. Leech and Blake W. Leech, located at 2920 South Buffalo Road in the Buffalo 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 with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this 22nd day of November, 2021.

Exhibit A

SPECIAL EXCEPTION PERMIT CONDITIONS

Owner: Hank T. Leech and Blake W. Leech

Applicant: Hank T. Leech

1. Events will be limited to a maximum of 100 attendees, with no more than thirty-five (35) vehicles on-site for events.
2. All site activities will be concluded by 11:00 p.m.
3. Adequate off-street parking facilities and traffic controls will be provided. No parking along South Buffalo Road (Route 611).
4. Alcoholic beverages will not be self-served.
5. All trash shall be taken directly to the landfill and not to County collection centers or County green boxes.
6. Any amplified music must be within an enclosed structure and concluded by 11:00 p.m.

7. Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.
8. No aerial fireworks shall be permitted. No outdoor fires shall be permitted by attendees.
9. Approval contingent on County Building Department, Virginia Department of Transportation, and Health Department approvals.
10. Tax Map #93-A-32 (3.0 acres per tax record) and Tax Map #93-A-32A (3.0 acres per tax record) are allowed to be used for events.

County Decal Discussion:

Mr. Suter advised that, during the Work Session at 4:30 p.m., the Board heard a recommendation from the Finance Committee to move to a permanent decal during the next sales cycle this spring.

Chairman Lyons stated he looked forward to hearing comments from the public.

Supervisor McDaniel stated that during the work session, the potential to lower the personal property tax and move to a permanent decal was discussed. He agreed to looking at both to ease the cost on citizens.

Supervisor McDaniel moved to schedule a public hearing for December 13, 2021. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

Consideration to Amend Penalty on Delinquent Meals Tax:

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

"Staff recently discovered that the penalty provisions of County Code Section 25-203 require amendment to correspond with the state code enabling legislation. The penalty is currently 10% per month, up to a maximum of 25%, of the tax due. The amendment provides for a 10% penalty in the first month of delinquency, with a 5% penalty per month for each month thereafter, up to a maximum of 25%."

Chairman Lyons asked if there would need to be any refunds issued.

Ms. Huffman concurred that there could potentially be some refunds. She added that Ms. Trovato had been researching her files, and noted that there typically would not be any refunds issued unless someone requested one.

Chairman Lyons asked, if the Board has to issue refunds, would there be any penalties on the interest.

Ms. Huffman stated that she did not believe there could be interest on penalties.

Supervisor McDaniel moved to schedule a public hearing for December 13, 2021. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

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

Appointments:

Planning Commission & TCO member Lee McLaughlin will no longer be serving after December 2021:

Supervisor Lewis advised that he had an applicant in mind for the Planning Commission.

These two (2) appointments were moved to the December 13th agenda for the Boards consideration.

Community Services Board Member Jade Knick will no longer be serving after December 2021:

This appointment was moved to the December 13th agenda for the Boards consideration.

Adjournment:

Supervisor McDaniel moved to adjourn at 7:16 p.m. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

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

