

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, SEPTEMBER 23, 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: ABSENT
STAFF: SAM CRICKENBERGER, CHRIS SLAYDON, ROBERT FORESMAN,
HELEN LESLIE, TAMMY GRANT, KENNY WILSON,
BRANDY WHITTEN

Call to Order

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

Supervisor Lewis delivered the invocation. He then led in the Pledge of Allegiance.

Recognitions/Presentations

Emergency Management Coordinator Robert Foresman explained that the CERT program was developed in 1985 by the LA Fire Department and over the years the program has gone through many changes and today, it is recognized nationally. He stated that the goal of the program is to have citizens who are not first responders to be able to assist themselves, their neighbors, and communities during a time of disaster when the first responders are overwhelmed and not able to respond to all calls. While the main goal is to prepare for disasters, CERT members can also function in non-disaster roles such as community preparedness events, parades, and health fairs. He noted that the CERT program is administered through the Citizen Corp Program which is part of the Federal Emergency Management Agency (FEMA) within the Department of Homeland and Security. The program consists of the following modules: disaster preparedness; fire safety and

utility control; disaster medical operations parts 1 and 2; light search and rescue operations; CERT organization; disaster psychology; and terrorism and CERT. He advised that to date, 51 citizens have been trained in the CERT program and some of those 51 citizens will take a 3 day "Train the Trainer" course which will be held at VMI so there will be more CERT instructors in the region. He then recognized Ms. Peggy Seldon, who is a member of the CERT team as well as a disaster preparedness educator, and who has been very instrumental in getting the preparedness message out to the citizens of the community. He stated that she is passionate about preparedness and wants others to share in her dedication to being prepared. Her motto is "Have Kit, will Travel". Mr. Foresman then introduced each certified CERT participant and provided them with a certificate. All Board members left the dais and thanked each CERT participant who was present.

County Administrator Spencer Suter recognized that September is Emergency Preparedness Month. He commended Ms. Peggy Seldon for her dedication and her preparedness.

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 September 9, 2013 Minutes

Supervisor Lewis moved to approve the September 9, 2013 minutes, seconded by Supervisor Higgins, and the minutes were approved by unanimous roll call vote by the Board.

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

Convene Solid Waste Authority

Amended Equipment Purchase Resolution

Chairman Campbell convened the Solid Waste Authority at 5:40 p.m.

County Administrator Spencer Suter explained that on September 9th the Board authorized a resolution for an emergency procurement of a compactor. Since then, the County has received \$137,750 from VaCorp insurance for the loss of the older, damaged compactor. He explained that the County will apply those proceeds as a down payment on the lease-purchase of the new one; and therefore, the resolution adopted on September 9, 2013 will need to be amended. He then reviewed the lease-purchase financing of the new compactor as follows:

Equipment cost:	\$519,427
Lessee Down Payment:	\$137,750
Amount Financed:	\$381,677
Lease Term:	5 Years
Lease Rate:	2.89%
Monthly Amount:	\$6,889.43

Supervisor Hinty moved to approve the resolution to amend the authorizing resolution adopted August 26, 2013. A second was provided by Supervisor Ford, and the resolution was adopted by unanimous roll call

vote by the Board.

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

Chairman Campbell closed the Solid Waste Authority at 5:43 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON
MONDAY, SEPTEMBER 23, 2013

RESOLUTION TO AMEND THE AUTHORIZING RESOLUTION ADOPTED AUGUST 26, 2013, APPROVING AND AUTHORIZING REVISED LEASE PURCHASE FINANCING THROUGH LEASING 2, INC., FOR THE NEW 2013 AL-JON ADVANTAGE 500 COMPACTOR FROM ALJON MANUFACTURING, L.L.C. FOR THE LANDFILL

WHEREAS, by Resolution adopted on August 26, 2013, the Solid Waste Authority authorized an emergency purchase of a new 2013 Al-jon Advantage 500 compactor from Al-jon Manufacturing, L.L.C., for a purchase price of \$519,427, with lease-purchase financing through Leasing 2, Inc., for a period of five (5) years and the payment of \$9,351.77 per month; and,

WHEREAS, the County has received payment from its insurance carrier of \$137,750 representing the replacement value of the fire-damaged CAT 816F compactor, and anticipates payment of this amount as a down payment on the new compactor, which alters the terms of the lease purchase financing.

NOW THEREFORE, BE IT RESOLVED by the Rockbridge County Solid Waste Authority that the Resolution adopted on August 26, 2013, is hereby amended as follows:

1. That the insurance proceeds of \$137,750 to replace the functional value of fire-damaged equipment shall be applied as a down payment on the purchase price of \$519,427, leaving the reduced amount of \$381,677 for lease purchase financing.

2. That the lease purchase financing through Leasing 2, Inc., for \$381,677 with payments of \$6,889.43 per month for a period of five (5) years, is hereby authorized and approved.

3. That upon receipt of the revised documentation, the County Administrator is hereby authorized to execute the Leasing 2, Inc., Lease Purchase Agreement and Escrow Agreement on behalf of the

Rockbridge County Solid Waste Authority, and to take such other and further actions, and execute such other documents, as may be necessary and appropriate to accomplish this transaction.

4. That this Resolution shall be effective upon the date of its adoption. All provisions of the Resolution adopted August 26, 2013, shall remain in full force and effect, except to the extent specifically amended herein.

Adopted this 23rd day of September, 2013.

Virginia Tech Foundation Bond Issue Request Resolution

Mr. Suter stated that the Virginia Tech Foundation has procured two farms for use in their agricultural research in Raphine. The foundation submitted a bond to repay themselves through a reimbursement resolution. State law requires that a public hearing be held. A public hearing was held on September 17th in Montgomery County. The Foundation has requested that the Board of Supervisors approve a resolution for issuance of taxable and tax-exempt bonds associated with the financing of approximately \$1 million associated with the prior purchase of two farms in Rockbridge County to be used by the VT University Shenandoah Valley Agricultural Research and Extension Center. Mr. Suter then introduced John Cusimano, VT representative, who was present to answer any questions.

Supervisor Lewis indicated that the Board of Supervisors should do anything they can to support Virginia Tech.

Supervisor Lewis moved to approve the resolution as presented. Supervisor Ford provided the second and the resolution was adopted by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERISORS HELD AT
THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON
MONDAY, SEPTEMBER 23, 2013

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE
COUNTY VIRGINIA WITH RESPECT TO ECONOMIC DEVELOPMENT
AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA REVENUE BOND
FINANCING FOR VIRGINIA TECH FOUNDATION, INC.**

WHEREAS, the Virginia Tech Foundation, Inc. (the "Foundation"), a non-profit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), has described to the Economic Development Authority of Montgomery County, Virginia (the "Montgomery Authority") its plans to finance or refinance various facilities owned or to be owned by or leased to the Foundation or affiliated non-profit entities controlled by or under common control with the Foundation of benefit to, and in connection with its support of, the Virginia Polytechnic Institute and State University (the "University") and its programs, located in Montgomery County, Virginia, as well as in Rockbridge County, Virginia, Arlington County, Virginia, the City of Roanoke, Virginia and the City of Alexandria, Virginia;

WHEREAS, the Foundation has requested that the Montgomery Authority agree to issue its revenue bonds or other obligations (collectively, the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), in such amount up to \$48,000,000 as may be necessary to finance or refinance the cost of such facilities and related issuance costs;

WHEREAS, an aggregate principal amount of the Bonds not to exceed \$1,000,000 will be issued, and the proceeds thereof used together with other funds of the Foundation in Rockbridge County, Virginia (the "County"), to finance or refinance the acquisition of approximately 103 acres known as Carr Farm, located on Steeles Fort Road, Steeles Tavern, Virginia, owned by the Foundation for use by the University and other tenants primarily for agricultural research and related purposes (the "Rockbridge Plan of Financing");

WHEREAS, a separate aggregate principal amount of the Bonds not to exceed \$1,000,000 will be issued, and the proceeds thereof used together with other funds of the Foundation in the County, to finance or refinance the acquisition of approximately 143 acres known as Crain/Moore Farm, located on Raphine Lee Highway, Steels Tavern, Virginia, owned by the Foundation for use by the University and other tenants primarily for agricultural research and related purposes (the “Taxable Project,” and together with the Rockbridge Plan of Financing, the “Project”);

WHEREAS, Section 147(f) of the Code requires that the highest elected governmental unit having jurisdiction over the area in which any facility financed with the proceeds of tax-exempt private activity bonds is located approve the issuance of the bonds after a public hearing, and Section 15.2-4906 of the Act provides that such public hearing shall be conducted by an applicable industrial development authority;

WHEREAS, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the industrial development authority created by the second locality and shows such concurrence in a duly adopted resolution;

WHEREAS, the County has created the Economic Development Authority of Rockbridge County (the “Rockbridge Authority”), the Montgomery Authority is an applicable industrial development authority pursuant to the Act with respect to the Rockbridge Plan of Financing, and the Board of Supervisors of the County (the “Board of Supervisors”) constitutes the highest elected governmental unit and the governing body of the County;

WHEREAS, the Montgomery Authority adopted an inducement resolution (the “Inducement Resolution”) with respect to the issuance of the Bonds on August 20, 2013 and requested that the Board of Supervisors (i) approve the Rockbridge Plan of Financing and the proposed issuance of Bonds as required by Section 15.2-4906 of the Act and Section 147(f) of the Code, and (ii) concur in

the Inducement Resolution with respect to the Project located or to be located in the County as required by Section 15.2-4905 of the Act;

WHEREAS, on September 17, 2013 the Montgomery Authority held a joint public hearing, on behalf of Rockbridge County and Montgomery County, with respect to the Rockbridge Plan of Financing and adopted a final resolution approving the issuance of the Bonds to finance the Project (the “Bond Resolution”); and

WHEREAS, a copy of the Inducement Resolution, notice of the Montgomery Authority’s joint public hearing, a copy of the Bond Resolution adopted by the Montgomery Authority describing the action taken by the Montgomery Authority on September 17, 2013, including a summary of the public hearing, and a Fiscal Impact Statement have been filed with the Board of Supervisors.

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

1. The Board of Supervisors hereby ratifies the joint public hearing held on its behalf by the Montgomery Authority on September 17, 2013, and the publication of notice thereof.
2. The Board of Supervisors, in order to permit the Montgomery Authority to assist the Foundation in the financing, hereby (i) approves the Rockbridge Plan of Financing and the proposed issuance of Bonds by the Montgomery Authority, to the extent required by Section 15.2-4906 of the Act and Section 147(f) of the Code, and (ii) concurs in the Inducement Resolution regarding the issuance of the Bonds by the Montgomery Authority for the Project located in the County, as required by Section 15.2-4905 of the Act.
3. The Board of Supervisors’ ratification of the joint public hearing, approval of the issuance of the Bonds by the Montgomery Authority and concurrence in the Inducement Resolution of the Montgomery Authority do not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Foundation or the Project. The issuance of the Bonds as requested by the

Foundation will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the County, will be pledged to the payment of the Bonds. The County shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto.

4. This resolution shall take effect immediately upon its adoption.

Adopted this _23rd_ day of September, 2013.

Consideration of Fire and Rescue Commission Staffing Options

Mr. Suter explained that this item is timely as the Board considers a revision of the County Code relative to Fire and EMS service. He stated that earlier in the year he requested that the Fire and Rescue Commission task its Staffing and Recruiting/Retention committee with revisiting a proposal which had previously been presented to the Board in the spring of 2012. He advised that, included in the agenda package, the revised proposal consists of the following: a history of Fire and EMS service in the County; challenges currently faced; strengths and weaknesses of the current system; and multiple options for the Board to consider which are designed to improve service. He noted that currently the system used is all-volunteer and that this system is becoming more stressed, particularly on the EMS side, for the following reasons: increasing call volumes; more stringent state training and certification requirements; increasing cost of providing the services; increased public expectation; and competition for volunteer time, particularly in the youth segment. He stated that the system's strengths are in the fire service, which by most accounts is holding its own very well with steady volunteer numbers. The weaknesses

are as follows: EMS response capability, particularly in the north and south portions of the County along with the I81 corridor; overall coordination and leadership - volunteers are doing their best but the implementation of a Director's position should greatly assist; recruiting and retention efforts; and lack of detailed call response data. He explained that the committee examined the weaknesses and it became clear that a two-pronged approach would be recommended. First: a "career" option to address immediate EMS response needs; and second: a "volunteer" approach to ensure that current volunteers are encouraged to continue and new volunteers are attracted to service. He explained that, on the career side, the following options are considered: contracted ambulance service for two stations (north and south) which can occur in two ways. Either the contact company provides its own units and equipment; or the company would use a host agency's equipment. Another option to consider is to reevaluate the County's shared services agreement with the City of Lexington. This option he explained would entail the County's entering into agreement with the City to provide staffing in two County locations. The last option to consider is for the County to hire personnel to staff the two stations. In this scenario, the County will apply for a FEMA SAFER grant. He advised that the Fire and Rescue Commission's preference is option 1, contracting the services of a 3rd party EMS provider to use volunteers' ambulances and equipment. He noted that the downside of this option is that there would not be any additional fire suppression assistance provided.

He then explained options for the volunteer side as follows:

Defined reimbursement: teams of two volunteers can sign up for 8 hour shifts in each department. Each volunteer would receive a stipend for the

shift filled. The stipend amount suggested is \$40 per 8 hour shift. He explained that currently the Walkers Creek Fire Department uses a version of this model.

He described the second option as pay-per-call. In this model, volunteers would be paid a set amount for each call they participate in. The committee suggested \$8 per call. Currently, the City of Lexington uses this model.

Mr. Suter recognized the committee members who were present: Jerry Wilson, Colby Irvine, and Carl Irvine. Other committee members include Ted Duke, Ed Matheny, Frankie Hogan, Ronnie Slough, Jon Ellestad, and Ty Dickerson.

Chairman Campbell asked about accountability. He stated that last year he visited the 911 center and requested relevant data that he is currently still waiting on. He asked for explanation as to how the options will work with reference to accountability.

As an example of accountability, Mr. Suter explained that the system used by the Walkers Creek Fire Department has a time management system. He asked Mr. Colby Irvine of WCFD to give the Board an overview of the program.

Mr. Irvine indicated that, since March 2013, the model WCFD uses has reduced the response time by 2.5 minutes and that each day is laid out for the volunteers on site. If they are not running a call, they could be cleaning the equipment, vehicles, or the Fire Department building. He explained that, currently, there are volunteers on site every other day and that for each 4 hour shift, volunteers receive \$30.

Supervisor Ford asked if one of the volunteers is a first responder.

Mr. Irvine confirmed that a certified EMS provider and an engine driver are both present when on duty.

Supervisor Higgins thanked Mr. Irvine and other members on the committee and then asked if any other fire departments had looked into the model Walkers Creek uses or shown interest in using the same.

Mr. Irvine stated that he had spoken with some on the phone about it.

Supervisor Higgins asked what the monthly cost is to use this model.

Mr. Irvine was unsure but indicated that he would get those figures and to the Board.

Mr. Suter indicated that the same model may not work for every department.

Chairman Campbell stated that he is worried that if volunteers are paid per call that they would be sitting at home waiting on calls. He stated that he still has questions on some features of these models and that he would like the committee to respond to his questions and concerns before he make a decision. He stated that he wanted to do what is best for the citizens.

Supervisor Higgins stated that response time is his first priority and cost is second.

Mr. Suter confirmed that he would get more information on the costs, accountability, and details of the different options the Board can take.

Supervisor Lewis reminded the Board that timeliness is of the essence, as the new Director should implement the Board's final decision. He stated that he is happy to see everything coming together and agrees with the committee. He asked that the Board endorse some of the proposed ideas. He noted that the timing of the request is good, relative to the budget

process.

In response to a question by Supervisor Ford as to what other counties may be using similar arrangements with volunteers, Mr. Suter indicated that Augusta County is looking at using the same model as the Walkers Creek Fire Department.

Public Hearings

Zoning Amendment to General Business (B-1) - contractor's equipment storage by special exception

Assistant Director of Community Development Chris Slaydon explained that this is a text amendment to the Rockbridge County Land Development Regulations to allow contractor's equipment storage yards in B-1 by special exception. He explained that currently, contractor's equipment storage yards are a permitted use in industrial zones. He stated that the Planning Commission has recommended approval of the text amendment.

Chairman Campbell opened the public hearing at 6:13 p.m., and with there being no public comments, Chairman Campbell closed the public hearing.

Supervisor Ford indicated that several neighbors of the proposed property have concerns about the storage yard becoming a salvage yard. He asked the County Attorney if the inoperable vehicle ordinance would apply to equipment that no longer worked.

County Attorney Vickie Huffman stated that the provisions of the County Code for junk vehicles would apply in situations where vehicles are inoperable or not licensed, but not to all types of contractors' equipment.

Supervisor Lewis moved to adopt the ordinance as presented. A second was provided by Supervisor Higgins, and the motion was approved by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
SEPTEMBER 23, 2013

Ordinance to Amend Article 6 – Uses in Districts of the County of Rockbridge Land Development Regulations in Section 605.00 - GENERAL BUSINESS DISTRICT B-1 to Add Section 605.03-25 - Contractors' Equipment Storage Yards with Associated Shop/Office as a Use by Special Exception in the B-1 District

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this amendment to the Land Development Regulations on September 11, 2013, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on September 23, 2013; and,

WHEREAS, legal notice has been provided in accordance with Section 15.2-2204 of the Code of Virginia (1950, as amended) and Section 802.04 of the County of Rockbridge Land Development Regulations; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has determined that the provisions of this ordinance generally promote the health, safety and welfare of the public, that the amendment is required by good zoning practice and accomplishes the objectives set forth in Va. Code Section 15.2-2200, and that the amendment serves one or more of the purposes set forth in Va. Code Section 15.2-2283 of the Code of Virginia.

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

1. That Section 605.00 – General Business District B-1, of Article 6 – Uses in Districts of the Rockbridge County Land Development Regulations be amended and reenacted as follows:

**ARTICLE 6
USES IN DISTRICTS**

605.00 GENERAL BUSINESS DISTRICT B-1

605.03 Special Exceptions. In General Business, special exceptions may be granted for one or more of the following uses:

605.03-25 Contractors' equipment storage yards and/or associated shop/office.

2. That this ordinance shall be in full force and effect on and from the date of its adoption.

Hostetter Excavating- rezoning from A-T to B-1

Mr. Slaydon indicated that Randy Hostetter had submitted an application to rezone 17.19 acres on the west side of Lincoln Road from A-T to B-1. He then presented the details of the project and reviewed the location of the proposed property. He stated that the proffers will not allow any other business use on the property. He stated that he had met with several residents from The Ponds subdivision who are worried that a hotel could be built in the future. He assured them that the property would only be used for storage of equipment unless the landowner applied for an amendment of the proffers; he then stated the requirements of the proffer amendment process.

Chairman Campbell opened the public hearing at 6:24 p.m.

Paul Baker of the South River Magisterial District spoke on behalf of the owners The Ponds, who currently have around 100 lots for sale in their subdivision. He asked Mr. Slaydon to explain the elevation of the buffers on The Ponds side of the proposed property.

Mr. Slaydon explained the elevation of the buffers.

Mr. Baker asked if the buffers would help the lots nearest to the Club House.

Mr. Crickenberger answered that they would not.

Mr. Baker asked that Mr. Hostetter's trucks not use the jake-brake nor use The Ponds as a cut-through.

Supervisor Hinty indicated that roads to The Ponds subdivision are owned by the state.

Mr. Russ Orrison, engineer for the proposed project, described the area of the proposed parking facility as being roughly 7 acres. He added that his design had taken spring and karst formations into account. As to the fitness of the site for the proposed use, he noted that it is flanked by an interstate highway and a wastewater treatment plant, and this numerous power and gas lines run through it. Her expressed willingness to work with County E&S staff to gain approval, and closed by stating that V-DOT has agreed to the concept of the proposed entrance road.

Adjoining landowner Mr. Henry McLain shared his concern over springs near the property being negatively impacted once Mr. Hostetter begins using the proposed property. He also asked that lines be added on Lincoln Road as well as slower speed limit signs. He shared his concern over lots in The Ponds possibly not being sold because of the impact on the views.

Mr. Slaydon confirmed that the increased buffers around the springs were placed to attempt to reduce the impact of the proposed grading onsite.

Chairman Campbell closed the public hearing at 6:40 p.m.

Supervisor Ford recommended that Mr. Hostetter add security measures to the property since there are citizens who ride 4-wheelers through the property. He then addressed the citizens' concerns, beginning with concerns about the spring. He confirmed that the Erosion and Sediment Control Technician will do everything he can to protect the springs. He then addressed the speed limit - currently 55 mph - and requested that Mr. Crickenberger arrange with V-DOT to conduct a speed limit study to determine whether the limit could be lowered.

Supervisor Higgins shared his support of Mr. Hostetter's plans, stating that currently, he stores his equipment on property near the Regional Jail and he and his staff drive Greenhouse Road in a safe manner.

Supervisor Ford moved to adopt the rezoning ordinance. A second was provided by Supervisor Higgins, and the motion was approved by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, SEPTEMBER 23, 2013

Ordinance To Change the Zoning Classification of a 17.19-Acre Tract of Land (Tax Map No. 61A2-2-B-1A1) Owned By Rock Investments, LLC, and Located on the West Side of Lincoln Road Approximately .56 Mile North of Its Intersection with Old Buena Vista Road in the Kerrs Creek Magisterial District of Rockbridge County from Agricultural Transitional District (A-T) to General Business District (B-1), With Proffered Conditions

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on September 11, 2013, and thereafter recommended to the Board of Supervisors that the proposed zoning classification amendment be adopted with the approved proffered conditions attached hereto as Exhibit A; 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 held a public hearing on this matter on September 23, 2013; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject 17.19-acre tract of land would generally promote the health, safety, convenience and general welfare of the public, and

that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

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

1. That the zoning classification of a certain tract of real estate containing 17.19 acres, more or less, of land (referenced upon the Rockbridge County Land Records as Tax Map No. 61A2-2-B-1A1), located on the west side of Lincoln Road approximately .56 mile north of its intersection with Old Buena Vista Road, shown as "PARCEL A – 17.19 ACRES" on a 'Plat Showing Parcels of Property Situated on Both Sides of Interstate Route 64 Being a Portion of Property Surveyed for Randolph Huffman and Alene Rodes Huffman,' dated January 26, 1989, and recorded in the Clerk's Office of the Circuit Court of Rockbridge County, in Plat Cabinet 2, Slide 394, being in the Kerrs Creek Magisterial District of Rockbridge County, Virginia, is hereby changed from the zoning classification of A-T, Agricultural Transitional District, to B-1, General Business District, with and subject to the conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit A attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the contract purchaser, RANDY HOSTETTER EXCAVATING, L.L.C., and the owner, Rock Investments, LLC.

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

Adopted this 23rd day of September, 2013.

Hostetter Excavating- special exception application

Mr. Slaydon indicated that this application was submitted by Mr. Randy Hostetter for a special exception permit; the conditions of the permit are substantial compliance with the site plan as presented, and Planning Commission site review of the future shop/office.

Supervisor Ford made a motion to accept the ordinance, adding an amendment to add conditions to require using seismic monitors on the springs and nearby dwellings during any blasting operation on the site. The motion died due to the lack of a second.

Supervisor Hinty moved to accept the ordinance as proposed. A second was provided by Supervisor Higgins and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON
MONDAY, SEPTEMBER 23, 2013

Ordinance Granting a Special Exception Permit to Randy Hostetter Excavating, L.L.C., for a Contractor's Equipment Storage Yard and Associated Shop/Office in the General Business District (B-1) on a 17.19-Acre Tract of Land (Tax Map No. 61A2-2-B-1A1) Owned By Rock Investments, LLC, and Located on the West Side of Lincoln Road Approximately .56 Mile North of Its Intersection with Old Buena Vista Road in the Kerrs Creek Magisterial District of Rockbridge County

WHEREAS, Randy Hostetter Excavating, L.L.C., the contract purchaser, and Rock Investments, LLC, the owner, have filed an application for a special exception permit for a contractor's equipment storage yard and associated shop/office on a 17.19-acre tract of land located on the west side of Lincoln Road approximately .56 mile north of its intersection with Old Buena Vista Road in the Kerrs Creek Magisterial District of Rockbridge County, said property being identified upon the Rockbridge County Land Records as Tax Map No. 61A2-2-B-1A1; and,

WHEREAS, immediately prior hereto, the subject property has been conditionally rezoned from A-T, Agricultural Transitional District, to B-1, General Business District, with and subject to the proffered condition that the use will be solely for a contractor's equipment storage yard with associated shop/office, which is a use permitted in the General Business (B-1) District by special exception permit pursuant to Section 605.03-25 of the Rockbridge County Land Development Regulations; and,

WHEREAS, the Planning Commission held a public hearing on this application on September 11, 2013, and recommended approval with specified conditions to the Board of Supervisors; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on September 23, 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 to Randy Hostetter Excavating, L.L.C., the contract purchaser, for a contractor's equipment storage yard and associated shop/office on a 17.19-acre tract of land located on the west side of Lincoln Road approximately .56 mile north of its intersection with Old Buena Vista Road, identified on the Rockbridge County Land Records as Tax Map No. 61A2-2-B-1A1, in the Kerrs Creek Magisterial District of Rockbridge County, 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 approved with and subject to the conditions set out 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 23rd day of September, 2013.

EXHIBIT A

RANDY HOSTETTER EXCAVATING, L.L.C.

SPECIAL EXCEPTION PERMIT CONDITIONS

1. Substantial compliance with the revised site plans dated 9-23-13.
2. Future shop/office or other structure shall be subject to review by and approval of the Rockbridge County Planning Commission.
3. Final approval of the commercial entrance from Lincoln Road by the Virginia Department of Transportation.
4. Final approval of the erosion and sediment control plan by the County.

Chapter 14- Fire and EMS Ordinance

Mr. Suter noted that this public hearing was originally scheduled for the September 9 meeting but was pushed back due to advertising issues. He advised that the proposed ordinance is a result of many meetings and hours of deliberation by the committee which consists of himself, Chairman Campbell, fire representative P.J. Sibold, EMS representative Steve Reese, and citizen representative Bob Gilbert. The draft ordinance was presented to both Fire and EMS leadership and to the Fire and Rescue Commission. He advised that there was one suggested amendment to the existing draft in section 14-4, C (5). He then reviewed the amended section of the ordinance aloud and indicated that, as presented, the code would essentially bar anyone convicted of certain crimes, established by the Office of EMS, no

matter how long ago it occurred. However, under the suggested amendment a member or potential member who has been convicted of an offense which permanently bars certification by Virginia Office of EMS might be considered for participation under the following conditions:

- a.) A minimum of 10 years must have passed since the date of conviction.
- b.) In the case of a felony, the applicant's rights must have been restored by the Commonwealth of Virginia.
- c.) The applicant demonstrates clear and successful efforts to reform and productively contribute to society and their community.

Mr. Suter explained that, under the proposed ordinance, such language shall be included in policy promulgated by the Fire and EMS Director and shall not be construed to supersede State or Federal law, policy, or regulations. He stated that such language will allow for some flexibility for persons who may have made a mistake, have fully reformed, and want to give back to their community. He commended the committee for putting in so much time and effort into the code.

Chairman Campbell opened the public hearing at 6:56 p.m., and with there being no public comments, Chairman Campbell closed the public hearing.

Supervisor Higgins noted that the committee has done a fine job and thanked them for the hard work. Supervisor Hinty concurred.

Supervisor Higgins moved to adopt the ordinance as presented. A second was provided by Supervisor Hinty, and the motion was approved by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE
ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, SEPTEMBER 23, 2013

An Ordinance To Amend and Reenact Article I – Fire Prevention and Protection of Chapter 14 – Fire, Rescue and Emergency Services of the Rockbridge County Code as Chapter 14 – Fire, EMS, and Emergency Management, Article I – Fire and EMS Department to Add Sections 14-1 through 14-9, Amending Section 14-2 (formerly Section 14-1) and Section 14-8 (formerly Section 14-2) to Establish a County Department of Fire and Emergency Medical Services (EMS) and Create a Position and Specify Responsibilities of a Director of Fire and EMS

BE IT ENACTED by the Rockbridge County Board of Supervisors that Chapter 14 – FIRE, RESCUE AND EMERGENCY SERVICES is hereby changed to Chapter 14 – FIRE, EMS, AND EMERGENCY MANAGEMENT of the Rockbridge County Code, and Article 1 – Fire Prevention and Protection of Chapter 14 is hereby amended and reenacted as Article 1 – Fire and EMS Department of the Rockbridge County Code as follows:

ROCKBRIDGE COUNTY CODE

Chapter 14

FIRE, EMS AND EMERGENCY MANAGEMENT

Art. I. Fire and EMS Department, §§14-1--14-9

Art. II. Fee for Services, §§14-10--14-24

Art. III. Drought Management, §§14-30--4-39

ARTICLE I. FIRE AND EMS DEPARTMENT

Sec. 14-1. Establishment of department.

The County Department of Fire and Emergency Medical Services (“EMS”) is hereby established pursuant to Virginia Code §27-6.1 and designated as the Fire and EMS Department (the “Department”). The Department shall

provide all fire and emergency medical services, and services related to civilian protection and evacuation in disasters and emergencies. The Department shall also be responsible for administration of local, State and federal emergency response, assistance and recovery programs within the County.

Sec. 14-2. Composition of department.

The Department shall be composed of the officials and staff of the Department, including the following volunteer fire and EMS agencies, which are an integral part of the official safety program of the County:

- (1) Effinger Volunteer Fire Department.
- (2) Fairfield Volunteer Rescue Squad.
- (3) Glasgow Lifesaving and First Aid Crew.
- (4) Glasgow Volunteer Fire Department.
- (5) Goshen First Aid Crew.
- (6) Goshen Volunteer Fire Department.
- (7) Kerr's Creek Volunteer Fire Department.
- (8) Natural Bridge Volunteer Fire Department.
- (9) Raphine Volunteer Fire Department.
- (10) Rockbridge Baths Volunteer Fire Department.

(11) South River Volunteer Fire Department.

(12) Walkers Creek Volunteer Fire Department.

The Lexington Fire Department, Buena Vista Volunteer Fire Department and Buena Vista Volunteer Rescue Squad are also integral parts of the County's official safety program, but are not administered or regulated under this Chapter. However, Fire and EMS operations of all regional entities are intended to be coordinated through regional protocols, in the interest of providing the safest, most effective and most efficient fire and emergency medical services possible.

Cross reference(s)--Similar provisions, §18-1.

State law reference(s)--Code of Virginia, §9.1-400--408 and §27-23.6.

Sec. 14-3. Responsibilities of department.

A. The Department shall be responsible for regulating and managing the provision of pre-hospital emergency patient care and transportation.

B. The Department shall be responsible for regulating and managing the provision of fire prevention, protection, and suppression services, and for provision of services related to hazardous materials and similar hazards which pose a threat to life, property and the environment.

C. The Department shall also be responsible for any additional related services which are necessary for the provision of fire and emergency medical services.

D. The Department shall be responsible for local disaster mitigation, preparedness, response and recovery. The director and coordinator, and any deputies of emergency management, shall be designated by the Board of Supervisors, in accordance with the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, Virginia Code §§44-146.13, et seq.

Sec. 14-4. Director of fire and EMS services.

A. The Director of fire and EMS shall be appointed by and report to the County Administrator, shall be the Director of the Department, and shall provide general management of the Department.

B. The Director may delegate any and all operational authority to other officials and staff of the Department. References to the Director in this Chapter shall include designees.

C. The Director shall establish and enforce departmental regulations that are required for the administration and operation of the Department, for purposes of providing the safest, most effective and most efficient fire and emergency medical services possible. Such regulations shall be consistent with this Chapter but may establish additional and more stringent requirements applicable to the Department. Development will be coordinated with the Presidents of the County's Volunteer Firefighters' Association and the Rockbridge Emergency Rescue Group ("REREG"). In no event shall any County or departmental regulations or directives be interpreted to waive requirements of federal, State and local laws and regulations, including those related to licensing. Regulations shall include, but may not be limited to:

- (1) Standard operating guidelines for the system's delivery of fire and EMS services;
- (2) System performance standards, such as minimum staffing and response goals;
- (3) A command structure which complies with federal and State incident management standards;
- (4) Minimum training, licensure, and reporting requirements for the welfare of response personnel and the delivery of high quality fire and emergency medical services.
- (5) Minimum personnel standards applied to all members shall include all standards promulgated by the Fire and EMS Director to maintain compliance with existing law or policy. At minimum, these shall include the standards promulgated by the Virginia Office of Emergency Medical Services as set forth in §12VAC5-31-910 of the Virginia Administrative Code.
- (6) Minimum standards regarding apparatus and equipment;
- (7) Vehicle operations policy;
- (8) Drug and alcohol policy;

- (9) A process for setting and maintaining response districts and apparatus response policy.

Individual volunteer fire and EMS agencies may promulgate internal policies affecting their agency. In the event that agency and County policies conflict, the more stringent of the two shall apply.

D. The Director shall recommend hiring, appointing and termination of compensated officers and staff of the Department, including the deputies and assistants, in accordance with the County's Personnel Policy Manual. The Director shall provide for appropriate investigation of staff and volunteer applicants and incumbents, including review of criminal and driving records. Deputies and assistants may perform any of the duties of the Director, when authorized by the Director. At the request of individual volunteer agencies, the Director may assist with the termination of members. Prior to any termination, volunteers will be afforded due process, to include a review by a panel consisting of representatives from their volunteer agency.

E. The Director is responsible for maintenance and implementation of the County's Emergency Operations Plan.

F. The Director, on behalf of the Board of Supervisors, shall have authority to enter into and take all actions necessary to implement and carry out the terms of agreements for mutual aid, disaster preparedness, and provision of services related to hazardous materials, rescue, fire suppression, investigation, medical services or other emergency response services deemed necessary in the judgment of the Director for emergency response in events exceeding the capabilities of the County. The Director shall have the authority to enter into contracts on behalf of the County and to expend funds after a declared disaster or emergency declaration to provide for the public safety during such events, in accordance with applicable laws and regulations. The Director shall have the authority to take all actions necessary to obtain funding and assistance from other localities and from State or federal agencies for those purposes.

(g) The director shall, in cooperation with the presidents of the County's Volunteer Firefighters' Association and the RERG, develop strategies for the recruitment and retention of the volunteer base within the department.

Sec. 14-5. Criminal and driving record checks.

A. Review of the criminal records of applicants for employment and volunteer status in the Department shall be conducted in the interest of public welfare and safety, and review of such records of incumbents may be conducted, to determine if the past criminal conduct of any person with a criminal record would be compatible with the nature of the employment or service, in accordance with applicable laws and policies.

B. Review of motor vehicle driving records of incumbents and of applicants for employment or volunteer status shall be conducted in accordance with departmental regulations, to determine if the record is compatible with employment or service.

Sec. 14-6. Compliance with regulations and policies; penalties.

A. Compliance with all applicable federal, State, and local regulations and directives of the Director, by the officials, staff, volunteers and agencies of the Department is a requirement for participation in all departmental functions.

B. For violation of regulations and policies promulgated by the Director or the medical director, or for the purpose of protecting the public safety and providing for proper administration of the Department and effective provision of services, the Director shall have the authority to remove, suspend, or revoke the privileges of any individual to operate as an EMS or fire service provider or officer in the County.

C. The Department of Fire and EMS will develop and disseminate a standard operating procedure (SOP) clearly defining the procedure for revocation of such privileges. The standard shall include a grievance procedure.

Sec. 14-7. Volunteer fire and EMS agencies.

A. The Rockbridge County Board of Supervisors recognizes the longstanding history and the tremendous value and contribution that volunteer fire and EMS agencies have made and continue to make in the community. Volunteer fire and EMS agencies may be formed, named and dissolved and shall operate in compliance with applicable statutes, provisions of this Chapter and regulations, including those issued by the Director. Formation, naming and dissolution shall be effective only if approved by the Board of Supervisors.

B. Volunteer fire and EMS agencies may adopt bylaws to govern the internal affairs of their organizations. In the event that agency bylaws conflict with County policies, the more stringent of the two shall apply.

C. Agencies may, in accordance with their bylaws and compliance with State code, dissolve. However, prior to such dissolution, agencies shall provide no less than a thirty-day notice to the Rockbridge County Department of Fire and EMS.

State law reference(s)--Code of Virginia, §27.1-8.1; §32.1-111.14.

Sec. 14-8. Participation by certain minors in volunteer fire agency activities.

A. Subject to any regulations published by the Rockbridge County Department of Fire and EMS and pursuant to the authority of Virginia Code §40.1-79.1, the County of Rockbridge hereby authorizes any person who is sixteen (16) years of age or older, who is a member of a volunteer fire agency within the County with parental or legal guardian approval, in writing, (i) to seek certification under National Fire Protection 1001, level one, firefighter standards as administered by the Virginia Department of Fire Programs; and (ii) to work with or participate fully in all activities of such volunteer fire agency, provided such person has attained certification under the National Fire Protection Association 1001, level one, firefighter standards, as administered by the Virginia Department of Fire Programs. The certification record and parent or guardian written consent shall be kept on file in the office of the volunteer fire department for each participant who is enrolled pursuant to this section. Any such fire fighting activity shall comply with regulations set forth in 16VAC15-30-190 "Fire fighting" of the Virginia Administrative Code.

B. Any trainer or instructor of such persons referenced in Subsection (A) of this Section and any member of a paid or volunteer fire company who supervises any such persons shall be exempt from the provisions of Virginia Code §40.1-103 when engaged in activities of a paid or volunteer fire company, provided that the provisions of Virginia Code §40.1-100 have not been violated, and provided that the volunteer fire agency or the Board of Supervisors has purchased insurance which provides coverage for injuries to, or the death of, such persons in their performance of activities under this section.

(Added by Ord. of 8-23-04)

State law reference(s)--Code of Virginia, §40.1-79.1.

Sec. 14-9. Participation by certain minors in volunteer EMS activities.

Subject to any regulations published by the Rockbridge County Department of Fire and EMS pursuant to authority and in accordance with §12VAC5-31-1200 and §12VAC5-31-900 of the Virginia Administrative Code:

- (1) EMS personnel shall be a minimum of sixteen (16) years of age.
- (2) EMS personnel serving in a required staffing position on an EMS vehicle shall be at a minimum of eighteen (18) years of age.

(3) EMS agencies may allow assistants or observers in addition to the required personnel. An assistant or observer must be at a minimum of sixteen (16) years of age.

(4) An EMS agency may have associated personnel who are less than sixteen (16) years of age. This person is not allowed to participate in any EMS response, training program or any other activity that may involve exposure to communicable disease, hazardous chemical or other risk of serious injury.

State law reference(s)--Code of Virginia, §§32.1-12 and 32.1-111.4.

This Ordinance shall be effective on and from January 31, 2014.

Adopted this 23rd day of September, 2013.

Acceptance of Broadband Easements

County Attorney Vickie Huffman explained that the easements are for a transmission line that will run through an alley way in Lexington City.

Supervisor Lewis moved to approve the resolution as presented. A second was provided by Supervisor Ford, and the resolution was adopted by the unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
SEPTEMBER 23, 2013

**RESOLUTION 092313-10 TO AUTHORIZE THE ACQUISITION AND ACCEPTANCE
OF EASEMENTS IN THE CITY OF LEXINGTON FOR CONSTRUCTION AND
OPERATION OF A FIBER OPTIC TRANSMISSION LINE AND RELATED
IMPROVEMENTS DONATED TO THE COUNTY OF ROCKBRIDGE FROM
PROPERTY OWNERS ALONG THE ROUTE OF FIBER DEPLOYMENT FOR THE
NETWORK IN CONNECTION WITH THE BROADBAND GRANT PROJECT**

WHEREAS, County of Rockbridge (the "County"), a political subdivision of the Commonwealth of Virginia, is the recipient of grant funds ("Grant") from the United States Department of Commerce National Telecommunications and Information Administration's ("NTIA") Broadband Technology Opportunities Program ("BTOP") to be administered by the County in conjunction with and on behalf of the Grant partners (all as specified in the Grant) to construct, acquire, maintain, equip and operate an advanced communications network ("Network") within the County and the Rockbridge region (collectively, the "Rockbridge Broadband Initiative Project", or "the Project"); and,

WHEREAS, easements are required from property owners in the City of Lexington for the construction and operation of the Network, including installation of the fiber optic transmission lines and related improvements; and,

WHEREAS, the deeds of easement set forth herein have been executed by the specified property owners to donate the easements necessary for the Project; and,

WHEREAS, the Board of Supervisors agrees to the acceptance of said easements, with the understanding that said easements will transfer to the Rockbridge Area Network Authority pursuant to the Operations, Management and Lease Agreement, with an effective date of August 1, 2013.

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

1. That the acquisition and acceptance of the following donated easements, 9 feet in width, for construction and operation of a fiber optic transmission line and related improvements be, and hereby is, authorized and approved:

<u>Property Owners</u>	<u>Tax Map #</u>	<u>Fiber Route</u>
Four M Properties, L.L.C.	23-1-79	Alley perpendicular to Jefferson Street behind properties on Nelson St.
MCC Partnership	23-1-81	Alley perpendicular to

Jefferson Street behind
properties on Nelson St.

Sheridan, Sheridan & Simons	23-1-83	Alley perpendicular to
	23-1-84	Jefferson Street behind properties on Nelson St.

LSM, L.L.C.	23-1-88	Alley perpendicular to Jefferson Street behind properties on Nelson St.
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2. That the sum of \$68.00, from funds allocated to the Broadband Project, is hereby appropriated and approved from Fund 22, Line Number 4-22-51300-3100-100, for recordation of the deeds of easement in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia.

3. That the County Administrator or the Director of Community Development is hereby authorized to execute such documents and take such actions, on behalf of the Board of Supervisors, as are necessary to accomplish the acquisition and acceptance of the easement donations set forth herein, all of which shall be approved as to form by the County Attorney.

4. That this Resolution shall be effective upon the date of its adoption.

Adopted this 23rd day of September, 2013.

Appointments

Board of Zoning Appeals Joseph Clemmer 9/26/13

Supervisor Higgins moved to reappoint Joseph Clemmer to the Board of Zoning Appeals. A second was provided by Supervisor Ford, and the motion was approved by unanimous roll call vote by the Board.

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

Central Shenandoah EMS Council John Sheridan 10/01/13

Supervisor Ford moved to reappoint Dr. John Sheridan to the Central Shenandoah EMS Council. A second was provided by Supervisor Lewis, and the motion was approved by unanimous roll call vote.

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

Public Service Authority Rick Mast 10/14/13

Supervisor Lewis moved to reappoint Rick Mast to the Public Service Authority. Supervisor Hinty provided the second, and the motion was approved by unanimous roll call vote.

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

Rockbridge Area Community Services Board James Cook(resigned)12/31/15

Supervisor Ford moved to appoint Ms. Tracy Harris on the Rockbridge Area Community Services Board in place of Mr. James Cook who resigned. He recognized Mr. Cook and his wife for their ongoing service to the

Community. Supervisor Higgins provided the second, and the motion was approved by unanimous roll call vote by the Board.

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

Supervisor Hinty requested that appointees on County Boards, Committees, Commissions, and Authorities do everything possible to attend meetings.

Board Comments

Chairman Campbell requested that the Buildings and Grounds Committee begin meeting again. Also, he asked that the Finance Committee meet to discuss next year's budget relative to buildings and grounds. He noted that there are still maintenance projects that need to be completed in the County Administrative Office Building. He also noted that there are office space issues that should be reviewed.

Supervisor Higgins indicated that the Finance Committee had addressed some of those issues at its previous meeting.

Supervisor Ford provided a Finance Committee update. Regarding the RARO CIP, Supervisor Ford indicated that the Finance Committee supports the Capital Improvement Plan (CIP) and that the RARO Board should be encouraged to continue the development of the CIP for the upcoming year. He stated, however, that based on the concerns involving capital improvements in the Courthouse, Health Department, County Administration Building, Sheriff's Office, and MSA usage allocation, all of which are

joint services issues, the Finance Committee recommends not to change the Joint Services Agreement without additional study of all areas with the potential for capital improvements.

Continued Meeting:

Chairman Campbell continued the meeting until September 25, 2013, at 5:00 p.m., for a Work Session to discuss future solid waste handling plans. He noted that the Rockbridge County Public Service Authority will join at 6:30 p.m. to discuss potential extension of the PSA Buck Hill water system. (The first meeting took place in the Extension Office Meeting Room and the Board moved its meeting to the Board of Supervisors Meeting Room to join the PSA.)

AT A CONTINUED MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA,
HELD IN THE EXTENSION OFFICE MEETING ROOM LOCATED ON THE 2ND FLOOR OF THE
ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING AT 150 SOUTH MAIN STREET,
LEXINGTON VIRGINIA ON WEDNESDAY, SEPTEMBER 25, 2013 AT 5:00 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: JEREMY GARRETT

Call to Order:

Chairman Campbell called the continued meeting to order

Solid Waste Discussion

Chairman Campbell stated that this meeting was held at his request to update the full Board on the Solid Waste Committee's work and the direction that the County is heading in. He stated that the County is currently working on development of a lined landfill and the current collection procedures would need to be changed in order to insure that the liner is protected and to be sure the landfill will operate in the less costly way.

County Administrator Spencer Suter reviewed the long term goals relative to solid waste discussion objectives. Those goals are as follows: local control of our future with regard to waste management and disposal; affordability, reducing cost and increasing efficiencies; citizen convenience; enforceability, making sure that we maintain control on all phases of waste disposal; and compliance, ensuring that we meet or exceed all regulatory control measures.

Director of Operations for Solid Waste and Transportation, Jeremy Garrett, discussed the four (4) main discussion points as follows:

- Disposal of Vegetative Waste- Mr. Garrett explained that, in the past, we have provided and continue to provide containers for woody debris at the Sallings Mountain, Fairfield, and landfill sites. Some supplemental information includes: current hauling costs of \$75.00, or \$34.28 per ton, whichever is higher. A 40 yard can equates to \$305.20 per can of brush while a 30 yard can equates to \$247.50 per can of brush. He explained that, depending on the direction given, additional costs for the County would include purchase of additional 40 yard containers at \$5,300 each. He further explained that regional comparisons include the facts that Bedford County provides brush collection twice a year and Augusta County only allows brush to be delivered directly to the landfill. Mr. Garrett explained that, although convenient, daily acceptance of brush at staffed collection centers is cost prohibitive. He stated that he would encourage, where possible, disposal of brush on the property where it originates. However, those who cannot dispose of their brush onsite would always have the option of taking the brush to the landfill during operational hours. He noted that staff's recommendation would be to provide one 40 yard container at each staffed collection center for the month of May and again for two weeks after Christmas each year, further stating that it is difficult to make any other recommendation based on the fact that it is simply cost-prohibitive to haul brush and that it is against the principles of environmental stewardship.
- Disposal of bulky items at the collection centers- Mr. Garrett explained that bulky items are currently permitted at all the staffed collection centers in properly posted 40 yard containers and that no unstaffed sites are permitted to receive bulky items. He stated that the Solid Waste Ordinance prohibits bulky items unless a container is designated for such and proper signage is posted. He explained that there may be some cost to update signage as necessary at the five staffed sites. He compared other Counties as such: Bedford County allows all bulky items that may fit in the

compactors throat to be disposed of at their staffed collection centers while Augusta County allows items that will fit in a three-foot square in its compactor at the staffed collection centers and all items that will not fit must go to the landfill. He stated that staff has found that 40 yard containers are not the most effective means for collecting and hauling most household bulky items and that utilizing the existing compactors for the bulky items does not increase mechanical breakdowns. He stated that staff recommends that proper signage to define "Bulky Items" at each of the staffed collection centers provide established limits and allow all household bulky items other than mattresses to be placed directly into the onsite compactors provided they fit in the machine. He noted that 40 yard containers should be removed from the sites to make them available for the previously discussed temporary seasonal brush collection. In response to a question from Supervisor Lewis, Mr. Garrett noted that white goods are currently accepted at all collection centers, including Goshen, and that RRR accepts them as scrap metal under the current contract. RRR is responsible for evacuating the freon.

- Modification of staffed collection center hours- Mr. Garrett explained that staffed collection centers operate from 7:00 a.m. to 6:00 p.m. Monday through Saturday while the collection center at the landfill site operates 7:00 a.m. through 3:30 p.m. Monday through Saturday. He explained that staffed centers maintain an hourly vehicle count and it has shown the hours from 10:00 a.m. until 2:00 p.m. to be the busiest while the hours from 7:00 a.m. to 9:00 a.m. are the slowest. He noted that no existing staffed collection centers have proper lighting for night time operations. He also stated that landfill collection center modifications would require another permit amendment. He noted that, should the county desire to operate at night, there will be expenses associated with additional lighting on a site by site basis. He shared that Bedford County operates its staffed collection

centers from 7:00 a.m. to 7:00 p.m. on Sunday while Augusta County operates 2 of their staffed collection centers from 7:00 a.m. to 6:30 p.m. Monday through Sunday and the other 7 staffed collection centers operate from 7:30 a.m. to 4:15 p.m. Monday through Saturday. He stated that peak operational hours in Rockbridge are limited from 10:00 a.m. to 2:00 p.m. and on Saturdays. Greenhouse and Fairfield are the most utilized while Murat and Goshen are the least. He stated that staff recommended adjusting the operating hours at the staffed collection centers to 9:00 a.m. to 8:00 p.m. Monday through Saturday during the summer and 7:00 a.m. to 6:00 p.m. Monday through Saturday during the winter. The landfill center will remain 7:00 a.m. to 3:30 p.m. Monday through Saturday due to permit authorization. He noted that the summer and winter schedule should coincide with daylight savings time, thus avoiding additional costs.

- Citizen concerns regarding the removal of the unstaffed Rt. 501 center- Mr. Garrett explained that after August 1st, closure of the Buena Vista collection center as a result of the termination of the Dumpster Use Agreement, Supervisor Hinty has voiced his concerns as a result of numerous complaints from the Natural Bridge District. To date, staff has received two inquiries from citizens on River Road asking for the location of the nearest alternate disposal location; and no illegal dumping has taken place on the old Buena Vista site. He noted that Augusta County operates a total of 9 centers for a county that is 971 square-miles the land area with a population of 73,549 as compared to Rockbridge County's 601 square-miles and 22,375 in population. He stated that staff has received a draft Scope of Services from Draper Aden and Associates to begin working on the basic outline for the Comprehensive Solid Waste Plan, as discussed in previous meetings. Additionally, staff has studied different routes and rough population counts on the area of 501 between Buena Vista and Glasgow in preparation for the work session. The study showed that 135 residential

structures exist in that area and the longest commute to a collection center is approximately 6.5 miles. Mr. Garrett recommended that the Board discuss the detailed concerns that are being voiced to Supervisor Hinty and continue to move forward with the development of a comprehensive Solid Waste Plan, taking into account the concerns voiced by residents in the Route 501 area of the Natural Bridge District.

Board Discussion

Supervisor Higgins questioned the savings following the closure of the drive-in site.

Mr. Garrett answered around \$43,000.

Supervisor Higgins stated that the County Administrator should write a letter to the Sherriff asking to increase enforcement at nearby sites where the tonnage has increased to ensure that Buena Vista residents are not using the sites.

Mr. Garrett indicated that he had met with the Sheriff and they are switching from warning mode to summons mode and that they are looking at remote monitoring technology such as cameras.

Supervisor Higgins indicated that he wants to make sure the sites are convenient for his citizens. He noted that the committee should find locations for manned centers and close the sites that the County does not have permission to be on, as in VDOT right of way. County Attorney Vickie Huffman noted that VDOT grants a license to use the sites, not a lease. In this way, VDOT can always cancel the license, should the Right of Way be needed.

Chairman Campbell noted that we will have to go toward staffed collection centers, noting that he could think of 5 sites in his district which were problematic.

Supervisor Ford observed that plenty of illegal items are still being dumped in green boxes. He asked whether the courts were upholding charges brought under our amended solid waste ordinance. Staff's answer was, "Yes," with further observation that fines have generally been levied at the minimum. There have been no repeat offenders to date.

Mr. Garrett indicated that currently, there are about 19 unmanned sites.

The Board discussed that the first order of business would be to figure out where we need additional staffed centers. Mr. Suter explained that, by using a flood trace style of GIS mapping rather than a simple "as the crow flies" method, a more realistic portrayal of needs could be established.

Supervisor Lewis suggested that we consider partnering with adjacent Counties on some sites and noted that his concern was with equity, stating that we should accept vegetative waste at all locations or at none.

Supervisor Higgins noted that he does not typically support unstaffed centers, but it makes sense in less populated areas such as Rapps Mill.

Supervisor Hinty indicated that the County should be able to show savings. He stated that there are three sites in the Natural Bridge District that could be removed in favor of one that should be accessible to all. He added that Glasgow is giving him the most trouble regarding brush, and that brush cans should be removed. He noted that this would be a simple problem to solve, by simply talking to the Town and ensuring that they understand the issue and alternatives.

The Board then discussed bulky items and determined that if an item can fit into a compactor then it is acceptable. If it does not fit, it must go to the landfill. Supervisor Higgins requested estimates for compactors and cameras.

After additional discussion, the Board agreed that we need to start the process by mapping the current staffed centers via the flood tracing method to see where the "holes" in service are and to show districts on the map. Mr. Suter suggested rating each center by objective criteria such as:

- Does it have a lease?
- Does it have usage issues (littering/illegal usage)?
- Does it have safety issues (ingress/egress)?
- What is the proximity to other sites (and County population centers)?

Continued Meeting

The meeting was continued until 6:30 p.m. for a joint work session with the Rockbridge County Public Service Authority, to be held in the Board Meeting Room on the 1st floor or the Rockbridge County Administrative Office Building.

**AT A CONTINUED MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA,
HELD IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED ON THE 1ST FLOOR OF THE
ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING AT 150 SOUTH MAIN STREET,
LEXINGTON VIRGINIA ON WEDNESDAY, SEPTEMBER 25, 2013 AT 6:30 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

The Rockbridge County PSA called its meeting to order. County Administrator Spencer Suter opened the discussion with a brief review of the issue at hand. He noted that Mr. Jim Woltz of Woltz and Associates was in attendance, representing Mr. Angelo Puglisi, principal owner of the Natural Bridge. He reviewed the fact that that he, Chairman Campbell and Sam Crickenberger had met with Mr. Woltz and Mr. Puglisi in the previous week, and that Mr. Woltz had requested the County's consideration for extending public water to Natural Bridge. He reviewed the Bridge's proposal to donate certain infrastructure to the PSA, including: the Wallace Hollow well and associated water lines; the land on which the Buck Hill

tank is sited; and the existing water treatment system. In return, the Bridge requested extension of public water approximately $\frac{3}{4}$ mile along Rt. 11 to a single 2" distribution meter which would serve the entire Natural Bridge commercial complex.

PSA Director Melissa Alexander projected a range of costs and revenues, indicating that overall costs in this scenario could range from \$1M to \$1.6M. Revenue estimates were difficult to obtain, as water usage and sewer outflow numbers varied widely, probably due to leaks.

Mr. Woltz then gave a presentation, indicating that he initially had a potential buyer for 1200 acres and the gift shop, but that tax credit offset calculations did not support the sale. He noted that he still thought that a buyer for 600 acres and the gift shop could be arranged - enough acreage to support a State Park but not a National Park. He encouraged local leaders to look at this transaction as if it were an entirely new business coming in. He believes that he can leverage a higher quality buyer if one did not have to make major water system repairs. A significant amount of money has already been spent on the current, up to date water treatment works. He requested that the County extend water lines all the way to the facility, and that the County and the PSA provide any assistance they can offer - up to and including the full cost. The owner has committed to funding the cost of transferring the electrical infrastructure from private ownership and maintenance to Dominion Electric Power, while the sewer treatment plant would be funded via a cooperative agreement among the users within the commercial complex. He then stated that, if the water line were extended, the County would have approximately 1000 acres of development potential. He stated that there had been significant buyer interest shown in the hotel.

Mr. Ron Smith with W.W. Associates, attending at the request of the PSA, commented that there is opportunity for savings if the existing 6" water line

between the Wallace Hollow well and the current water treatment facility could be replaced with a 12" line, as opposed to trenching an entirely new line.

Supervisor Hinty asked if there had been any buyer interest shown in the golf course.

Mr. Woltz indicated that there are a set of plans and he knows where the property lines are, but that he has not had any interest in that. He stated that the demographics are not right for a golf course.

Chairman Campbell asked if the County was willing to pay anything to extend the water lines to the Natural Bridge facility, and if so how much would the PSA be willing to contribute. He stated that one of the primary goals is to get the Natural Bridge facility into a state or national park; therefore, it may be beneficial for the County to pay all or the majority of the costs.

Mr. Woltz noted that high end hotel chains expect utilities to be provided onsite before they agree to operate there.

PSA Chairman Torben Pederson voiced concern about a very short timeline, and further noted that it would be a boon for the developer if the County paid for water improvements. Mr. Woltz apologized for short notice, while adding that Woltz and Associates had made some logical, but incorrect, assumptions about utilities coming into the project, before learning that all electrical infrastructure was off the public power grid.

Supervisor Ford asked Mr. Woltz if he had been looking into any sources of state funding, to include both initial capital investment support and longer-term revenue sharing, making it possible for the County/PSA to recover initial investments.

Mr. Woltz indicated that there may be some New Market credits available. He also noted that there may be some potential for the State to operate the gift

shop as a concession, allowing for recovery of some funds. Supervisor Ford noted that, if the County could be sure that a State Park would be emplaced, it would make it easier to dedicate funds. PSA Board member Jay Melvin agreed, and subsequently asked if there is any way to quantify with a buyer as to how much water the PSA could expect to sell.

Citizen Lee Merrill asked to address the Boards and indicated that he represented both the Rockbridge Area Conservation Council and also Friends of Natural Bridge. He voiced concern over the aforementioned potential development of 1000 acres adjacent to the proposed water line extension, noting that much of the property was not zoned for commercial or residential development. He further noted that there was plenty of unused commercial property at exit 180 which was sitting vacant. Finally, he mentioned that the National Park Service is soon finishing work on a feasibility study for a National Park.

Mr. Pederson noted that the PSA is a business and therefore has to look for return on investment. Chairman Campbell indicated that the two Boards needed answers to the questions asked and could then discuss further at the planned joint meeting of the Board of Supervisors and the PSA on October 8th.

Adjourn

Supervisor Lewis moved to adjourn, seconded by Supervisor Hinty, and approved by unanimous vote of the Board.

