

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, August 12, 2013, AT 5:30 P.M.

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

Call to Order

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

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

Recognitions/Presentations

Chairman Campbell recognized Attendance Awareness Month, stating that students would be going back to school soon and attendance is very important. He advised that one in 10 kindergarteners and first grade students miss at least 10% of the school year; that only 17% of those students will read on grade level after 3rd grade; and that by 9th grade, lack of attendance is a key predictor of dropping out of school entirely.

Supervisor Lewis recognized the Lexington City Seal that was mounted on the wall behind the Chairman. He stated that while renovating the Board of Supervisors meeting room, the Buildings and Grounds Committee offered wall space to the City of Lexington to hang their city seal. It had since been done and Supervisor Lewis appreciated their willingness to provide the seal.

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 July 22, 2013 Minutes

Supervisor Hinty moved to approve the July 22, 2013 minutes, seconded by Supervisor Ford, and approved by unanimous roll call vote by the Board.

AYES: Hinty, Ford, Higgins, Lewis, Campbell

NAYES: None

ABSENT: None

Financial Report- Approval of Appropriations and Payment of Bills

Director of Finance Steven Bolster reviewed his monthly memorandum to the Board. Activities for the Commissioner of the Revenue included: finalizing 2013 personal property tax book; preparing land-use applications to be mailed out; and following up on delinquent business tax reports. Mr. Bolster asked if the Board had anything they would like to relay to the Commissioner of the Revenue. Supervisor Hinty asked if he would commend the Commissioner for his work.

Activities for the Treasurer included a presentation to the Board on delinquent taxes for the fiscal year ending June 30, 2013. Mr. Bolster asked the Treasurer, Ms. Betty Trovato to present the delinquent tax information.

Ms. Trovato explained that as of June 30, 2013, the sub-total of uncollected taxes was 2,539,477.21. Adding uncollected taxes for the current fiscal year increased that total to \$7,576,379.77, leaving a grand total of uncollected taxes of \$10,115,856.98.

Supervisor Higgins asked Ms. Trovato if she could compare where Rockbridge County stands on uncollected taxes as compared to other counties. Ms. Trovato could not answer that question but stated that that information could be found online.

Mr. Bolster then presented the revenues versus expenditures chart. Estimated expenditures exceeded revenues by \$46,705. He then presented the school appropriation resolution, explaining that the resolution included appropriations for two months and that the majority of the appropriations reflect FY12-13 carryover funding from the applicable grants identified in the titles. He also explained that "Purchased Services" under Fund Code 70 were for modifications and expansion of the Maury River Middle School.

Supervisor Hinty moved to approve the school appropriation resolution as presented, seconded by Supervisor Higgins, and the resolution was approved by unanimous roll call 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 COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, AUGUST 12, 2013 AT 5:30 P.M.

On motion by Supervisor Hinty, seconded by Supervisor Higgins, the Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2014** in **FUND 50, SCHOOL FUND** and expended as follows:

Grant Carryover

Alternative Education (July)

4-50-61100-6013-312-500 Materials & Supplies..... \$1,831.00

Strings (July)

4-50-62160-3162-910 Purchased Services..... \$428.00

Race for GED (July)

4-50-61100-3161-312-700-812 Purchased Services..... \$936.00

Title I A 2011 (July)

4-50-61100-6013-910-100-805 Materials & Supplies..... \$4,802.00

Title I A 2012 (July)

4-50-61100-1121-910-100-818 Teacher Salaries..... \$87,523.00

4-50-61100-6013-910-100-818 Materials & Supplies..... \$100.00

Title II A 2012 (July)

4-50-61100-1121-910-100-819 Teacher Salaries..... \$38,477.00

4-50-61100-2100-910-100-819 FICA..... \$13,116.00

4-50-61100-3160-910-100-819 Purchased Services..... \$4,028.00

4-50-61100-5540-910-100-819 In Service..... \$1,000.00

IDEA Pt B Section 619 2012 (July)

4-50-61100-6013-910-200-810 Materials & Supplies..... \$1,021.00

IDEA Pt B Section 611 2011 (July)

4-50-61100-3160-910-200-801 Purchased Services..... \$25,362.00

4-50-61100-6013-910-200-801 Materials & Supplies..... \$2,381.00

IDEA Pt B Section 611 2012 (July)

4-50-61100-3160-910-200-809 Teacher Salaries..... \$71,578.00

4-50-61100-2100-910-200-809 FICA..... \$23,212.00
4-50-61100-3160-910-200-809 Purchased Services..... \$31,907.00

21st Century NBES 2012 (July)

4-50-61100-1130-270-010-815 Grant Coordinator..... \$14,221.00
4-50-61100-1153-270-010-815 Clerical Wages..... \$3,870.00
4-50-61100-1621-270-010-815 Teacher Salaries..... \$6,717.00
4-50-61100-2100-270-010-815 FICA..... \$1,903.00
4-50-61100-3160-270-010-815 Purchased Services..... \$19,581.00
4-50-61100-4000-270-010-815 Indirect Costs..... \$23,430.00
4-50-61100-6020-270-010-815 Textbooks..... \$3,000.00
4-50-61100-6030-270-010-815 Materials & Supplies..... \$2,591.00
4-50-61100-8210-270-010-815 Hardware Additions..... \$34.00

21st Century MRMS 2012 (July)

4-50-61100-1322-350-010-816 Stipends..... \$6,452.00
4-50-61100-2100-350-010-816 FICA..... \$1,074.00
4-50-61100-3160-350-010-816 Purchased Services..... \$5,631.00
4-50-61100-4000-350-010-816 Indirect Costs..... \$3,133.00
4-50-61100-5510-350-010-816 Mileage..... \$320.00
4-50-61100-6030-350-010-816 Materials & Supplies..... \$1,954.00
4-50-62150-1130-350-010-816 Grant Coordinator..... \$9,245.00
4-50-62150-2100-350-010-816 FICA..... \$1,725.00

21st Century CES 2013-2014 (August)

4-50-61100-1130-220-010-821 Grant Coordinator..... \$35,000.00
4-50-61100-1153-220-010-821 Clerical Wages..... \$10,005.00
4-50-61100-1621-220-010-821 Teacher Supplement..... \$45,760.00
4-50-61100-2100-220-010-821 FICA..... \$17,271.00
4-50-61100-3160-220-010-821 Purchased Services..... \$22,020.00
4-50-61100-4000-220-010-821 Indirect Costs..... \$23,349.00
4-50-61100-6013-220-010-821 Materials & Supplies..... \$46,595.00

21st Century NBES 2013-2014 (August)

4-50-61100-1130-270-010-822 Grant Coordinator..... \$30,000.00
4-50-61100-1153-270-010-822 Clerical Wages..... \$3,600.00
4-50-61100-1621-270-010-822 Teacher Salaries..... \$55,360.00
4-50-61100-2100-270-010-822 FICA..... \$6,806.00
4-50-61100-2300-270-010-822 Hospital..... \$3,356.00
4-50-61100-3160-270-010-822 Purchased Services..... \$5,900.00
4-50-61100-4000-270-010-822 Indirect Costs..... \$39,060.00
4-50-61100-6030-270-010-822 Materials & Supplies..... \$11,250.00
4-50-61100-8210-270-010-822 Hardware Additions..... \$2,193.00

TOTAL FUND 50 APPROPRIATIONS

\$770,108.00

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2014** in **FUND 56, SCHOOL CAFETERIA FUND** and expended as follows:

21st Century NBES 2012 (July)

4-56-65100-1193-970-010-815 Cafeteria Workers..... \$585.00
4-56-65100-2100-970-010-815 FICA..... \$45.00

21st Century NBES 2013-2014 (August)

4-56-65100-1193-970-010-822 Cafeteria Workers..... \$2,300.00
4-56-65100-2100-970-010-822 FICA..... \$176.00

TOTAL FUND 56 APPROPRIATIONS **\$3,106.00**

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2014** in **FUND 70, SCHOOL CONSTRUCTION FUND** and expended as follows:

4-70-66200-3160-950 Purchases Services (July)..... \$1,893,856.00
4-70-66200-3160-950 Purchases Services (August).... \$1,536,617.00

TOTAL FUND 70 APPROPRIATIONS **\$3,430,473.00**

Mr. Bolster then presented the County appropriation resolution, highlighting a few items and detailing what they were. The first item he highlighted was "Other Professional Fees", explaining that this fee was for financial advisor and arbitrage analysis services associated with the courthouse refinancing, and that the invoice is reimbursable from current escrow accounts associated with refinancing efforts. The second item he highlighted was "Purchase of Foam". He explained that this line item was associated with the purchase of a new type of foam to be used during fiscal year 2014 by the volunteer fire departments in the event of a

HazMat spill in Rockbridge County. The Rockbridge County Firefighter's Association donated \$3,124 to the County to assist with the purchase of this new type of foam. The third item Mr. Bolster highlighted was "County Economic Incentive", which he explained was related to the approved performance agreement with Victoria Development for a project-related expense at the former Stillwater property in Goshen. He explained that the funding source was the Economic Development Authority's restricted cash account. The fourth line item he reviewed was "Transfer to Lined Landfill". He explained that this was a general fund transfer to pay for lined landfill costs in Fund Code 19. The fifth item he highlighted was "Transfer to Solid Waste Authority", which he explained was associated with prior authorization by the Board for funding from unencumbered surplus at the July 8th meeting to pay for additional personnel serving at the landfill collection center.

Supervisor Higgins moved to adopt the County appropriation resolution and to approve payment of bills. 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

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, AUGUST 12, 2013, AT 5:30 P.M.

On motion by Supervisor Higgins, seconded by Supervisor Ford, the Board, by record vote, adopted the following appropriation resolutions and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s are, and the same hereby is

made, for the period ending **June 30, 2014**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-12190-3003	Other Professional Fees.....	\$22,237.00
4-11-31020-1008	Overtime.....	\$320.00
4-11-31020-5403	Crime Prevention.....	\$39.00
4-11-31030-7001	Homeland Security Grant.....	\$5,867.00
4-11-32040-5404	Purchase of Foam.....	\$3,124.00
4-11-43020-7003	Renovations-Admin Building.....	\$200.00
4-11-81090-3902	County Economic Incentive.....	\$6,800.00
4-11-91050-0301	Contr-Repair/Upgrade Jail Bldg.....	\$370,865.00
4-11-99010-6192	Transfer to Lined Landfill.....	\$29,578.00
4-11-99010-6201	Transfer to Solid Waste Authority.....	\$30,200.00

Total General Fund Appropriations **\$469,230.00**

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s are, and the same hereby is made, for the period ending **June 30, 2014**, from the UNAPPROPRIATED SURPLUS of the **SWA/LANDFILL FUND** and expended as follows:

4-19-19070-7001	Construction-Lined Landfill.....	\$29,578.00
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Total SWA/Landfill Fund Appropriations **\$29,578.00**

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s are, and the same hereby is made, for the period ending **June 30, 2014**, from the UNAPPROPRIATED SURPLUS of the **SWA/RECYCLING FUND** and expended as follows:

4-20-42080-1004	Comp-PT Help (LF Collection Ctr).....	\$30,200.00
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Total SWA/Recycling Fund Appropriations **\$30,200.00**

Total Appropriations **\$529,008.00**

Current County

11 - General Fund	\$596,636.96
19 - SWA/Landfill	\$53,795.57
20 - SWA/Recycling	\$5,264.17
94 - Central Stores	\$3,231.26

Total County Bills **\$658,927.96**

Current Fiscal Agent

22 - RANA	\$155,426.03
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80 - Regional Jail	\$50,855.20
87 - Comm Atty Forfeitures	\$559.00
93 - CSA Administration	\$356.31
Total Fiscal Agent	\$207,196.54
 TOTAL ALL BILLS	 \$866,124.50

Mountain View Brewery- Amended Performance Agreement

Director of Community Development Sam Crickenberger presented this agenda item, explaining that co-owner of the brewery, Steve Crandall, had requested to amend the current performance agreement and include an additional incentive fund of \$20,000 to offset costs associated with their rapid expansion. He further explained that the \$20,000 would be applied to fees associated with building and zoning permits, land disturbance permits, landfill fees and other site development costs. Per the approved agreement, the County gave the Brewery approximately 12 acres of land valued at \$403,666 and established a \$16,500 incentive fund. In exchange, the County originally expected the Brewery to hire 5 full time employees as well as 5 part time employees within 5 years of opening, and to generate \$97,500 in new tax revenue. Mr. Crickenberger explained that, in just over a year, the brewery has hired 24 full time and 2 part time employees and is expecting to hire at least 5 more full time employees after the completion of the new expansion. Additionally, in the first year of operation, the brewery has generated \$10,733.44 in real estate taxes and a \$30 business license. Mr. Crickenberger explained that the EDA was scheduled to meet on the upcoming Friday to approve the proposed agreement.

Supervisor Ford asked Mr. West, Operations Manager representing the brewery, why the outdoor storage tanks would not freeze during the winter.

Mr. West explained that the tanks were heavily insulated and include small heaters. He noted that there were already four (4) outdoor tanks.

Supervisor Lewis then asked if any of the sales representatives for the brewery reside in Rockbridge County.

Mr. West explained that those who travel for the brewery used to reside in the County. He noted a couple of the areas in which those representatives live, such as Maryland and Richmond. He indicated that the representatives needed to live in their sales territories to be effective.

Mr. Suter commended Devils Backbone, owners of Mountain View, LLC, for using local excavating services to help expand the brewery.

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

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

Mr. Crickenberger reminded the Board of the fall festival the brewery would be hosting on the upcoming Saturday.

Mr. West reviewed some of the activities that children could engage in at the festival.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
AUGUST 12, 2013

Resolution to Approve a Performance Agreement Addendum Between the Board of Supervisors of Rockbridge County, the Economic Development Authority of Rockbridge County, and Mountain View Brewery, LLC, Including Appropriation of

\$20,000 to the Economic Development Authority as an Incentive Fund Package to Mountain View Brewery for Economic Development Purposes

WHEREAS, Mountain View Brewery, LLC, is the owner of a parcel of land located on Northwind Lane, on the northwest side of Route 11 North, in the Walkers Creek Magisterial District of Rockbridge County, Virginia, identified upon the Rockbridge County Land Records as Tax Map No. 62-14-B, consisting of 12.08 acres, more or less, designated as "TRACT C - 12.08 ACRES" on a plat of record in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia in Plat Cabinet 1, Slide 228 (hereinafter referred to as the "Project Site"); and;

WHEREAS, the Project Site was acquired from the Economic Development Authority of Rockbridge County (the County EDA), formerly the Rockbridge County Industrial Development Authority, pursuant to a prior Performance Agreement dated February 15, 2011, regarding acquisition, construction and operation of the Company's craft beer production business on the Project Site; and,

WHEREAS, Mountain View Brewery, LLC, proposes to expand its craft beer brewery business by constructing a 16,000± square-foot packaging building (the "Project") on the Project Site; and,

WHEREAS, in anticipation of the tax revenue and employment to be generated by the Project, the Board of Supervisors of Rockbridge County has determined to make Incentive Funds in the amount of \$20,000 available to the County EDA to provide an incentive package for Mountain View Brewery, LLC, to undertake the Project; and,

WHEREAS, the Board has considered the proposed Performance Agreement Addendum dated August 12, 2013, including the appropriation of the Incentive Funds provided therein.

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

1. That the terms and provisions of the Performance Agreement Addendum dated August 12, 2013, between the County, the Economic Development Authority of Rockbridge County, and Mountain View Brewery, LLC, are hereby authorized and approved.

2. That the Incentive Funds in the amount of \$20,000 are hereby appropriated to the County EDA for project-related development costs and fees, under the terms of the above-described Performance Agreement Addendum.

3. That this ordinance is subject to authorization and approval of the aforesaid Performance Agreement Addendum by the Economic Development Authority of Rockbridge County.

4. That the County Administrator is hereby authorized to execute the Performance Agreement Addendum dated August 12, 2013, in substantial conformity to the proposed agreement presented herewith, and to execute such other and further documents and to take such further actions as are necessary to accomplish this transaction on behalf of the Board of Supervisors, all of which shall be upon form and subject to the conditions approved by the County Attorney.

5. That this ordinance shall be effective on and from the date of its adoption.

Adopted this 12th day of August, 2013.

USMC Training Exercise

Mr. Suter reviewed the agenda item, which included the following information: "Earlier this summer, the County was approached by representatives of the U.S. Marine Corps Expeditionary training unit with a proposal to conduct a significant training exercise in the Arnold's Valley area of the Natural Bridge District. The event is slated to be one segment of a major, coordinated exercise across parts of the eastern United States. Upon request, U.S. Military officials visited the County on June 27th to provide a more detailed overview of the exercise. Natural

Bridge Supervisor Hinty was invited, but was unable to attend due to work conflicts. However, several County staff and a representative of the Sheriff's Office received the overview and briefed Mr. Hinty afterwards. The main focus of the exercise will be centered at the Virginia Department of Juvenile Justice property (previously the Natural Bridge Learning Center) in Arnold's Valley, but will also include activities on adjacent U.S. Forest Service Property. There is a possibility to use one parcel of private land, and training officials have been in contact with the owner to coordinate. The exercise is slated to take place over a period of approximately 3 days in September. In that the culminating event will involve helicopters, fully uniformed soldiers and a mock battle scenario on the VDJJ property, we have been assured that a significant public relations / notification campaign will be undertaken to ensure that nearby residents are informed well in advance. The only request to the County is to provide fire, EMS and law enforcement support in case of emergency. We have coordinated with the Sheriff, as well as the Chief of Glasgow VFD and the Captain of the Glasgow VRS (both first-due response for the exercise site). All have committed to providing the necessary support for the event. Representatives of the Departments of Juvenile Justice and U.S. Forest Service attended the initial briefing and both agencies have expressed full support, as realistic training for our armed forces is critical for national defense."

Special agent Justin Liu introduced himself as a Special Agent with NCIS, a civilian federal agent taking part in a long-standing partnership between federal law enforcement and the US Marine Corps known as the "Training Assistance to the Marine Corps" program. He further explained

that he was assigned to the Special Operations Training Group (SOTG), II Marine Expeditionary Force. This unit trains amphibious Marine Expeditionary Units in certain special skills before they deploy to various locations around the world. He explained that one of his major responsibilities is coordinating with civil jurisdictions when off-base training is to be conducted. This exercise will expose Marines to realistic and unfamiliar environments. He provided a summary of the upcoming exercise that will take place in early September. The event would take place at the Natural Bridge Juvenile Corrections Center. He stated that he has the cooperation of the Commonwealth of Virginia Department of Juvenile Justice for the campus, the US Forest Service to land helicopters and move through the Jefferson National Forest, and a local resident for a possible landing site. He stated that he has requested support in the form of on-site support from local law enforcement and fire and EMS staffing. Local residents will be notified of the exercise, including in-person notices within 1 kilometer, pamphlets within 2 kilometer, and notices in the mass media. More than 40 personnel will be on site for this exercise.

Supervisor Ford noted the use of the word "convoy" in the Memorandum of Understanding and requested confirmation that all transport is by air.

Special Agent Liu confirmed. He also confirmed that local agencies involved will be reimbursed by the federal government.

Supervisor Lewis moved to authorize the County Administrator to execute the MOU as presented, seconded by Supervisor Ford, and the motion was approved by unanimous roll call vote by the Board.

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

Public Hearing

Maury Cliffs, Phase II- Vacating Utility and Drainage Easements

Mr. Crickenberger explained that Fred Massey had indicated that there is still a need to clean up the title of old utility and drainage easements in the Maury Cliffs Subdivision where he owns the lots proposed for sale. He introduced Mr. Massey and asked to open the public hearing.

Chairman Campbell opened the public hearing at 6:05 p.m.

Fred Massey of the Kerrs Creek District shared his appreciation to the Board of their willingness to support phase II and personally thanked County Attorney Vickie Huffman, Mr. Crickenberger, and Assistant Director of Community Development Chris Slaydon for their efforts to complete this phase.

At 6:06 p.m., Chairman Campbell closed the public hearing.

Supervisor Ford moved to adopt the proposed ordinance to vacate utility and drainage easements. A second was provided by Supervisor Hinty, and the motion was approved by the following roll call vote:

AYES: Ford, Hinty, Higgins, 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,
AUGUST 12, 2013

ORDINANCE TO VACATE AND RELEASE ANY PUBLIC INTEREST IN 10' DRAINAGE
AND UTILITY EASEMENTS ON LOT 24-A (TAX MAP #61D-A-24), LOT 25-A (TAX MAP

#61D-A-25), LOT 40-A (TAX MAP #61D-A-40), AND LOT 40-B (TAX MAP #61D-A-40A) IN THE MAURY CLIFFS SUBDIVISION, CREATED ALONG THE BOUNDARIES OF FORMER LOTS 25 AND 40 ON PLAT SHOWING MAURY CLIFFS SUBDIVISION PHASE 2, RECORDED IN PLAT CABINET 2, SLIDE 289, UPON PETITION OF FRED H. MASSEY, JR., AND SUSAN E. WHITSITT, THE OWNERS OF LOT 25-A AND 40-A, LOCATED IN THE KERRS CREEK MAGISTERIAL DISTRICT

WHEREAS, Petitioners Fred H. Massey, Jr., and Susan E. Whitsitt have requested vacation of a "10' DRAINAGE AND UTILITY EASEMENT" along the southern and eastern boundaries of the former Lot 25 and along the northern and eastern boundaries of the former Lot 40, on the 'Plat Showing MAURY CLIFFS SUBDIVISION PHASE 2' recorded in the aforesaid Clerk's Office in Plat Cabinet 2, Slide 289; and,

WHEREAS, said Lots 25 and 40 were resubdivided into Lot 24-A, Lot 25-A, Lot 40-A and Lot 40-B, by 'Plat Showing Redivision of Lots 25 and 40, and Other Shaner Property Into These Parcels as Shown in Maury Cliffs Subdivision', recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in Plat Cabinet 2, Slide 798, and identified upon the Rockbridge County Land Records as Tax Map #61D-A-25 and #61D-A-40; and,

WHEREAS, Petitioners Fred H. Massey, Jr., and Susan E. Whitsitt are the owners of Lot 25-A and Lot 40-A, Mitchell D. and Laura R. Shaner are the owners of Lot 24-A, and Imaging Consultants of Essex P.A. is the owner of Lot 40-B, all of said lots being affected by this petition and the owners having been advised of this request; and,

WHEREAS, said 10' drainage and utility easements are unused, unimproved, not required for public use, and have not been formally dedicated to the public; and,

WHEREAS, §15.2-2272.2 of the Code of Virginia (1950, as amended) requires that such action be accomplished by the adoption of an ordinance by the governing body; and,

WHEREAS, notice has been given as required by §15.2-2204 of the Code of Virginia (1950, as amended), and the public hearing was held on August 12, 2013.

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

1. That the "10' DRAINAGE AND UTILITY EASEMENT" along the southern and eastern boundaries of the former Lot 25 and along the northern and eastern boundaries of the former Lot 40, shown on the 'Plat Showing MAURY CLIFFS SUBDIVISION PHASE 2' recorded in the aforesaid Clerk's Office in Plat Cabinet 2, Slide 289, and now within the boundaries of Lots 24-A, 25-A, 40-A, and 40-B, as shown on the 'Plat Showing Redivision of Lots 25 and 40, and Other Shaner Property Into These Parcels as Shown in Maury Cliffs Subdivision', recorded in the aforesaid Clerk's Office in Plat Cabinet 2, Slide 798, identified upon the Rockbridge County Land Records as Tax Map #61D-A-24 (portion), #61D-A-25, #61D-A-40, #61D-A-40A, situate in the Kerrs Creek Magisterial District of Rockbridge County, said Lots 25-A and 40-A being owned by the Petitioners, Fred H. Massey, Jr., and Susan E. Whitsitt, said Lot 24-A being owned by Mitchell Dahl Shaner and Laura R. Shaner, and Lot 40-B being owned by Imaging Consultants of Essex P.A., each of whom are grantees for indexing purposes, be, and hereby are, vacated and released to the extent that any public or County interest may exist, pursuant to Section 15.2-2272 of the Code of Virginia (1950, as amended), subject to the following conditions:

a. That all costs and expenses associated herewith, including but not limited to publication, survey and recordation costs, shall be the responsibility of the Petitioners.

2. That the County Administrator or the County Subdivision Agent is hereby authorized to execute such documents and take such actions as may be necessary to accomplish the provisions of this ordinance, all of which shall be approved as to form by the County Attorney.

3. That this ordinance shall be effective on and from the date of its adoption, and a certified copy of this ordinance shall be recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in accordance with §15.2-2272.2 of the Code of Virginia (1950, as amended).

Adopted this 12th day of August, 2013.

Operations, Management and Lease Agreement with RANA

Mr. Suter explained that the multi-page document presented is a 30 year lease agreement for all BTOP broadband infrastructure and includes language providing for RANA to repay the startup and bridge funds they had previously borrowed from the County. He commended County Attorney Vickie Huffman for her work on the agreement and noted that she had included provisions for repayment of both loans into this single document.

Chairman Campbell stated that considering how much work the County has contributed, the County should be given some rack-space at the DATA Center.

Supervisor Hinty agreed with Chairman Campbell.

Mr. Suter stated that because the County had done the most work in the project, he would suggest negotiating possible rack-space in the Peterson Data Center with RANA. He noted that all County supervisors had even taken time to contribute duties in the project. He cited an example wherein Chairman Campbell took time to collect signatures on easements from property owners in the line-of-work and also to monitor fiber-laying activities in critical areas.

The Board unanimously agreed to have Mr. Suter negotiate the agreement with RANA to achieve rack-space.

RARO Capital Improvements Committee Report

Mr. Suter indicated that he may have "jumped the gun" on this item. He stated that the RARO CIP committee was still working on a report to bring before the Board at a future time. The committee includes two members of RARO, two members from the City of Lexington, and two members of the County of Rockbridge. The Committee has met several times and is almost ready to suggest mechanisms for funding RARO's capital needs.

Supervisor Lewis requested that the Board look at those needs favorably.

Supervisor Hinty requested a list of those needs.

Supervisor Lewis requested that the Director of RARO, Mr. Bill Kramer, respond to that question.

Mr. Kramer stated that there are many small needs as well as two large projects. One of the large projects includes the tennis court replacement for which RARO and others are trying to secure grants from USTA as well as a significant financial commitment from the School Board. Another project includes creating multipurpose fields adjacent to the Brewbaker Field. Other project needs includes improving the fields at Fairfield and Central Elementary Schools. He noted that he was in negotiation with VMI to help complete the engineering costs of some projects at substantial savings.

Supervisor Higgins stated that he wanted to be sure that the committee will work closely with the school's athletic departments. He suggested that RARO use the Rockbridge Middle School field.

Supervisor Hinty commended Mr. Kramer for providing information on upcoming CIP projects.

Mr. Kramer stated that the RMS field was in need of improvements and that the scoreboard had been neglected for a long time.

Mr. Suter confirmed that he would relay all information/ suggestions to the committee.

Supervisor Hinty noted that the Board should be aware that the County will have no choice but to spend money for upgrades in the near future.

Update on IDA Discussion on Regional Industrial Park Agreement

Mr. Crickenberger reviewed the agenda item and reported that the Regional IDA met on July 30th for their annual organizational meeting. Mr. Dan Vance was re-elected Chair and Mr. David Grist, Vice-Chair. The IDA discussed the request from the City of Buena Vista to both dissolve the Regional Industrial Park agreement and to forego payment of the taxes associated with the (Munters) property. This agreement, dating back to May 6, 1997, following the creation of the Regional IDA in 1996, was established to promote regional cooperation with the goal to attract new businesses to the area for all of our benefit. When this agreement was first established in 1997, it covered the 75 acre industrial park with the three localities sharing on a percentage basis the tax revenue generated from the property. Deducted from this payment is the base real estate tax that would have been collected by Buena Vista defined as the value of the property at the time of acquisition, multiplied by the existing tax rate. This total amount is then redistributed to the three localities on a percentage basis as follows: Rockbridge 55%; Buena Vista 30%; and Lexington 15%. Typically this payment is received semi-annually and

amounts to a little over \$20,000 (\$40,000 plus annually). In 2006, following the dispute over the Westvaco project, Buena Vista purchased the 44 undeveloped acres from the IDA and pulled out of the Rockbridge Partnership. It is clear from the agreement that the terms relative to the Munters (formerly DesChamps) portion of the property, consisting of approximately 30 acres with improvements, were to continue in perpetuity, though provisions are in place to modify these terms by written agreement of all three localities. To date, the City of Buena Vista is delinquent on this payment. It is the consensus of the IDA that their role is to serve as a conduit for this payment and that the localities should pursue payment of this delinquent amount at their discretion. Additionally, the IDA has recommended that Lexington and Rockbridge consider the request of Buena Vista to dissolve this agreement. The IDA feels that they could serve to facilitate other regional projects and would like to continue working with the three localities to promote such regional initiatives.

Chairman Campbell stated his belief that Buena Vista should pay their share as stated in the agreement. He noted that the County has similar agreements and continues to honor them even though we would like to stop making the payments. He gave as an example the 1986 annexation agreement with Lexington, where the county pays some \$1.7 million annually even though there is now a statewide moratorium on annexations.

Supervisor Lewis stated that, for Buena Vista to decline payment per the agreement is neither legal nor moral, and that the County should put up a tough stance.

Supervisor Higgins agreed with Chairman Campbell's stance and requested that the County Attorney take necessary legal action to collect the payment. Supervisor Ford seconded the request and it was approved by the following roll call vote:

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

Consideration of participation in regional schools discussions

Mr. Suter reviewed the agenda item, which includes the following information: "There has been discussion over the last few months about the potential for a regional school study. Via the direction of Lexington City Council to him, I have received a request from City Manager Jon Ellestad to enter into such a discussion at staff level. It is my understanding that the proposed slate of regional staff to be involved in these discussions would include the City Manager, County Administrator and Superintendents of the Rockbridge County and Lexington City School systems." He noted that at this point, he felt that the County was receiving conflicting messages from the City and requested that the Board provide him with a directive, as to whether or not to participate in staff-level discussions.

Chairman Campbell provided his input stating the following: "Last year about this time, Bob Claytor and I were attending informal talks between Lexington School Administration, Lexington School Board members, Rockbridge County School Administration and School Board members. I was

so confident that this was going to move forward, I asked this Board to go on record as being willing to pay our part of a study that might prove the feasibility of a possible consolidation. All five of us were in agreement. I have since talked to almost all City Council members explaining that our intent was to treat everyone with fairness and respect. I told them that we have many possible directions for setting up the schools and a study would identify these possible solutions. From news accounts, it is obvious to me that the Lexington School Board is not interested in working with the county. I was truly disappointed last week when I read that the City Council had voted to move forward with elementary school planning. My first thought was of the poor citizens in Lexington who are struggling to get by, and that this will probably put a tax rate on these citizens worse than our other neighbors. A positive side to this is, Lexington City Council could have - for political reasons, agreed to a study, knowing what direction they were going to take and would have caused us to waste tax payer money. For this I am grateful that they were up front with their plans. My understanding is that Lexington City Council would like for our County Administrator, School Superintendent and their Lexington counterparts to hold meetings on ways to save in the two systems. I feel that this is a School Board issue and I would hope it will occur. I am reluctant to tell our County Administrator, who is already working 50 to 60 hours a week, to take on this task. I am in complete agreement with John Reynolds' letter to Dan Lyons dated August 8th. That letter references the County's willingness to pay our part of a true consolidation study." He asked for the Board's input.

Supervisor Higgins and Hinty agreed with Chairman Campbell's statement.

Supervisor Lewis indicated that this was a process that could be achieved by the School Boards working together.

Supervisor Ford indicated that, in contrast to the conflicting messages from Lexington on this issue, Mr. Reynolds' letter was very direct and to the point. He recommended all sides agree to engage an outside firm to conduct the study.

Supervisor Higgins suggested that Mr. Suter send a letter to the Lexington City Manager advising him of the Board's decision to allow John Reynolds to represent the County's interests. The Board concurred and Mr. Suter indicated that he would draft and send a letter.

Produce Stand off of Collierstown Road

Mr. Slaydon advised that the permit had been withdrawn due to the selling of all produce prior to the meeting. He noted that, should this permit be reapplied next year, there would be no charge for the permit.

Board Comments

Buena Vista Solid Waste Agreement

Chairman Campbell explained that he had spoken to Bob Claytor about the Solid Waste Agreement with Buena Vista. He stated that the section dealing with dumpsters had been based on a week-long usage study of people using the three sites: Old Drive In on 501, Boat Locks, and Landfill

Gates, with the funding percentages based on the number of users from each locality. He stated that the agreement allowed Buena Vista the option of contesting the percentage at any time, and that upon request, a new study would be completed, resulting in a revised funding percentage. He explained that the second part of the agreement had to do with a possible recycling center. It was to be built at the Fire Training Center near the golf course. This would require Buena Vista to pay its percentage of equipment and staffing costs. He noted that for years, the County spoken with Buena Vista about construction of the center, but they were not ready to build and that once Buena Vista worked out an agreement with RRR, they no longer wanted to participate in building a recycle center at all. Chairman Campbell indicated that the County has complied with the agreement and that, specific to the dumpster portion of the agreement, has provided the services to Buena Vista residents. He noted that, for Buena Vista to indicate that they will not pay for 6 of the 7 months owed for services is unacceptable. He requested that Buena Vista City pay for the full 7 months of services.

Supervisor Higgins echoed Chairman Campbell's request in the form of a motion to bill Buena Vista for dumpster use through July 31, 2013. A second was provided by Supervisor Ford, and the motion was accepted by unanimous roll call vote.

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

Citizen Acknowledgement of the Natural Bridge Resolution

Supervisor Hinty announced that he had received several calls from citizens in the Natural Bridge District in reference to the Natural Bridge Resolution. These residents indicated that they were appreciative of the Board's proactive stand and for passing the resolution with a unanimous vote. As a recommendation from those citizens, Supervisor Hinty thanked the Board for their support on passing the resolution as it was presented.

Supervisor Lewis noted that the Planning District Commission would be adopting the resolution as well.

Solid Waste Convenience Centers

Supervisor Higgins stressed his concern of convenience [or collection] centers not being convenient enough. He recommended that some centers be opened on Sundays.

Supervisor Lewis indicated that some citizens from the Goshen area must take a day off from work just to deliver brush and such to the landfill during business hours. Supervisor Hinty recommended revising the acceptance of bulky items at non-manned sites to better define what is considered bulky and what is not.

Mr. Suter noted that prior to bringing the draft to the full Board, the Solid Waste committee had discussed some of these concerns. He indicated that he would record the Board's concerns and bring them before the Solid Waste committee in a meeting scheduled for later in the week.

Broadband Project

Supervisor Higgins indicated that there have been continuing problems with securing right-of-way agreements to allow the fiber to go all the way from Rt. 608 to the Natural Bridge area, but because of both Chairman Campbell's and Mr. Suter's involvement, the fiber line routing was completed. Mr. Suter thanked Mr. Higgins and Mr. Hinty for their involvement in the solution as well.

Appointments

Planning Commission

Supervisor Hinty moved to appoint Michael Stolarz to fill the vacant seat of Matthew Gianniny, who recently resigned. A second was provided by Supervisor Lewis and the motion was approved by the following roll call vote:

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

Board Comments

Fire and EMS Director Selection Advisory Committee

Chairman Campbell stated that the Fire and EMS Director Selection Advisory Committee would be meeting following the Board meeting to further review the proposed new County Code for Fire and EMS and the director's

job description. He stated that after the meeting, if everyone is in agreement, the new code would be sent to Fire Chiefs and EMS Captains, who would be meeting on Wednesday.

Adjourn

Supervisor Hinty moved to adjourn the meeting, seconded by Supervisor Ford, and the meeting was adjourned by unanimous vote by the Board.