

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, JULY 22, 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, JEREMY GARRETT, KENNY WILSON,
PAUL OWEN, ROBERT FORESMAN, 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 called for recognitions and presentations.

County Administrator Spencer Suter recognized Paul Owen, current E&S and Stormwater Technician. Mr. Suter explained that Mr. Owen was employed by the County in January 2013 as an E&S Technician. He has a background in forestry and lives in Rockbridge County with his wife and daughter. The ultimate goal is for Mr. Owen to become the Stormwater Administrator for Rockbridge County, as required by the Commonwealth. Mr. Owen has already completed classes in Inspections and Plan Review. On May 9, 2013, Mr. Owen passed the four hour Combined Administrator Exam - making him a certified Combined Administrator and allowing him to perform the legal duties required by DEQ. Mr. Owen has also been assisting Darold Dameron, Maintenance Coordinator for the Rockbridge County Courthouse. By learning Mr. Dameron's daily roles, Mr. Owen has assisted in backing up these

duties. Mr. Suter congratulated Mr. Owen for his Erosion and Sediment Control Certification.

Mr. Owen thanked the Board of the opportunity to work for the County. Chairman Campbell thanked Mr. Owen for all his work.

Chairman Campbell recognized State Emergency Management Week.

Mr. Suter noted how important it is for the County to maintain preparedness for States of Emergency. As an example, he reminded those present of challenges in responding to the 2012 *derecho* incident.

Chairman Campbell recognized Kenny Wilson, Building Official and member of the Building and Maintenance Committee, who noticed that the steps in the Board Meeting Room needed to be repaired and quickly had the repairs completed.

Mr. Wilson recognized Chris Barger, the contractor who completed the repair.

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 8, 2013 Minutes

Supervisor Ford moved to adopt the July 8, 2013 minutes. A second was provided by Supervisor Higgins, and the minutes were approved by the following roll call vote:

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

Corrected Resolution- FY13-14 Petroleum Delivery

Finance Director Steve Bolster explained that after awarding a contract to James River Solutions for FY13-14 Petroleum Products on June 10, 2013, it was identified that the lowest responsive and responsible bidder for delivery service of Regular No-lead 87-Octane gasoline was incorrectly listed. On July 8th, both vendors were informed of the mistake. The recommendation brought forth was to correct the mistake by awarding Dixie Gas and Oil Corporation with the contract for FY13-14 Petroleum Products.

Supervisors Higgins and Hinty commended Mr. Bolster for finding the error and correcting it.

Supervisor Ford questioned if the fuel is ethanol free.

Mr. Bolster answered no.

Supervisor Ford requested that Mr. Bolster further research information related to the removal of a fuel tank at the Rockbridge Middle School.

Mr. Bolster agreed to contact the School Board Office and retrieve that information.

Supervisor Hinty moved to approve the attached resolution. A second was provided by Supervisor Higgins, and the motion carried by the roll call vote:

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 ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2013

RESOLUTION TO CORRECT AUTHORIZING AWARD OF FUEL BID TO AND EXECUTION OF THE CONTRACT DOCUMENTS FOR PURCHASE OF 87-OCTANE GASOLINE (COUNTY MAINTENANCE GARAGE) TO DIXIE GAS AND OIL CORPORATION

WHEREAS, the County has issued Invitations to Bid for the purchase of fuels for motor vehicles, buses, equipment and facilities, and following the receipt of competitive sealed bids, the Board of Supervisors adopted a Resolution on June 10, 2013, to award the bids to the lowest responsive and responsible bidders; and,

WHEREAS, James River Solutions was approved for award of the bid for the purchase of 87-Octane gasoline (County Maintenance Garage); and,

WHEREAS, it has been determined that Dixie Gas and Oil Corporation was the lowest responsive and responsible bidder for the purchase of 87-Octane gasoline for the County Maintenance Garage; and,

WHEREAS, correction of the award of the bid is required.

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

1. That paragraph 1 of the Board's Resolution Authorizing Award of Fuel Bids adopted June 10, 2013, is hereby repealed.

2. That Dixie Gas & Oil Corporation be and hereby is awarded the contract based on their bid (rack, transportation, profit) price of \$2.8194 for the purchase of Regular No-Lead 87-Octane Gasoline delivered to the Rockbridge County Maintenance Garage.

3. That upon receipt of the completed Contract Documents from Dixie Gas & Oil Corporation, and compliance with all remaining requirements therefor, the County Administrator is hereby authorized to execute the respective contract documents on behalf of the Board of Supervisors of Rockbridge County, and to take such other and further actions as may be necessary and appropriate to accomplish these transactions, 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 22nd day of July, 2013.

Recorded Vote:

AYES:

NAYES:

ABSTAIN:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Convene Solid Waste Authority

Review of Landfill Planning Progress- Draper Aden Associates

Billy Newcomb of Draper Aden and Associates provided a brief overview of the previous well drilling at the Landfill. He confirmed that there were no problems found in any of the test or exploratory wells, and that the results of all drilling were excellent.

Lynn Klappich of Draper Aden and Associates explained that DEQ was currently working on reviewing part A of the landfill application. She noted that during construction of the piggy-back lined landfill, staff will be heavily stressed over the next 18 months.

In response to a question by Chairman Campbell, Ms. Klappich explained that the County's involvement with the construction, should the Board approve a contract with Draper Aden, will be to review and reward a contract with the lowest responsive and reasonable bidder to complete the construction at the landfill. She confirmed that Draper Aden would handle everything else associated with the construction.

Supervisor Ford asked if there is a possibility of discovering a wetland after such a wet summer.

Ms. Klappich stated her confidence that wetlands would not be a problem.

Consideration of Engineering Services Contract with Draper Aden

County Administrator Spencer Suter explained that Draper Aden and Associates (DAA) was ranked first for Landfill engineering. He has since negotiated a contract with DAA. He presented the draft contract explaining

that the first action item with and approved contact would be Task Order No. 5.

Supervisor Ford moved to adopt the resolution that approves a professional Services Agreement and Task Order No. 5 with Draper Aden and Associates for engineering services in connection with the Landfill facility and lateral expansion. A second was provided by Supervisor Higgins and the resolution was adopted by the following roll call vote:

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

Chairman Campbell closed the Solid Waste Authority at 5:57 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 22, 2013

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT AND TASK
ORDER NUMBER 5 WITH DRAPER ADEN ASSOCIATES FOR ENGINEERING
SERVICES IN CONNECTION WITH THE LANDFILL FACILITY AND LATERAL
EXPANSION

WHEREAS, on June 5, 2013, the Rockbridge County Solid Waste Authority (RCSWA) issued a Request for Qualifications for solid waste planning, engineering, environmental and related services in support of the RCSWA's landfill facility; and,

WHEREAS, the Solid Waste Committee reviewed and ranked the proposals, with a recommendation to the RCSWA to authorize negotiation of a contract with Draper Aden Associates; and,

WHEREAS, on July 8, 2013, the RCSWA approved Draper Aden Associates as the first-ranked proposer and authorized the County Administrator to negotiate a contract for the required services; and,

WHEREAS, the contract, in the form of a master professional services agreement with attachments and exhibits, and an initial Task Order to commence work for the Part A permitting requirements, has been presented to the RCSWA for approval.

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the professional services agreement dated July 17, 2013, also referred to as the Master Services Agreement, to begin upon execution, by and between the Rockbridge County Solid Waste Authority, Owner, and Draper Aden Associates, Engineer, for solid waste planning, engineering, environmental and related services in support of the RCSWA's landfill facility and lateral expansion, is hereby authorized and approved.
2. That Task Order Number 5 for the Part A Permit Application for Landfill Expansion FY 2014, dated July 17, 2013, is hereby authorized and approved.
3. That the Chairman of the RCSWA and/or the County Administrator are hereby authorized to execute the Agreement, Task Order Number 5, and such other documents and to take such further actions, on behalf of the Rockbridge County Solid Waste Authority, as are necessary to accomplish this transaction, all of which shall be upon form and subject to the conditions approved by the County Attorney.
4. That this Resolution shall be effective upon the date of its adoption.

Adopted this 22nd day of July, 2013.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Virginia Local Disability Program (VLDP) deadline extension

Finance Director Steven Bolster reviewed the agenda item which included the following information: "General Assembly legislation created the Virginia Local Disability Program (VLDP), a disability benefit for political subdivision and school division employees who will be covered under the Virginia Retirement System (VRS) Hybrid Retirement Plan effective January 1, 2014. The VLDP includes short-term and long-term disability benefits and a long-term care program. Coverage for employees is automatic under VLDP unless governing bodies elect to opt out by September 1, 2013 and provide a comparable employer-paid program. The comparable program does not require governing bodies to provide long-term care coverage even though this coverage is included in VLDP. The decision to participate or opt out is irrevocable. In response to a number of employers asking for more time to make a decision, political subdivisions and school divisions now have the option of requesting an extension to the September 1, 2013 deadline to opt out of the VRS' VLDP. Staff is electing to submit the authorized request to the resolution deadline until November 1, 2013 via email to the Virginia Retirement System point of contact. Staff will attend further briefings regarding comparable, alternative plans available by third-party providers. Staff will present a recommendation to the Board on the most suitable coverage option at a future Board meeting." No action was necessary at this time.

Public Hearings

Carilion Helipad- Special Exception in B-1

Director of Community Development Sam Crickenberger explained that the current Special Exception Permit to operate a helipad in B-1 had expired in April, 2013, and that the project at the hospital was not completed within the time limit of the permit. He stated that Carilion has reapplied for another Special Exception Permit to continue the temporary helipad at the rear of College Square Shopping Center. The Planning Commission recommended a deadline of the permit of October 1, 2013 as well as a monthly progress report.

Chairman Campbell opened the public hearing at 6:01 p.m.

Ms. Elizabeth Harralson of the Kerrs Creek District shared her concerns of the helipad location stating that the helicopters fly over her property and she doesn't like it. She provided a brief background of the delays that slowed the project at the hospital and characterized Carilion's approach to the project as "Ready, Shoot, Aim." She requested that October 1, 2013 be the final deadline and that a large daily penalty be enforced should the project be incomplete by that deadline.

Chairman Campbell closed the public hearing at 6:04 p.m.

Chairman Campbell shared that he and Mr. Suter visited the construction project at the hospital and it appeared that the project would be completed by October 1, 2013.

Supervisor Hinty indicated that he had spoken with two of the pilots at the helipad. He stated that the helicopters also fly over his property and that the flight path is fixed.

Supervisor Higgins stated that no one would purposefully delay the construction project, but he feels that the deadline should be December 31, 2013. He made the motion to accept the Special Exception Permit as amended changing the deadline from October 1, 2013 to December 31, 2013.

A second was provided by Supervisor Hinty.

Supervisor Lewis noted that he could not support the motion and felt that the Board has and should continue agreeing with the Planning Commission's recommendation; therefore he felt that the deadline should be October 1, 2013. He moved to approve the Special Exception Permit with a deadline of October 1, 2013.

Supervisor Ford agreed with Supervisor Lewis and seconded his motion. He added that Carilion had had ample time to complete the project but seemed not to have followed through the process in a timely manner.

Supervisor Hinty questioned what would happen if the permit deadline is approved for October 1, but the project is not complete by the deadline.

Mr. Crickenberger indicated that the Special Exception Permit could then be extended prior to its expiration.

With two motions on the floor, Chairman Campbell went back to the first motion for approval of the Special Exception Permit with a deadline of December 31, 2013. The motion was approved by the following roll call vote:

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

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, JULY 22, 2013**

ORDINANCE GRANTING AN EXTENSION ON A SPECIAL EXCEPTION PERMIT TO MED TRANS CORPORATION/CARILION CLINIC FOR A TEMPORARY HELIPAD FOR MEDICAL TRANSPORT IN THE GENERAL BUSINESS DISTRICT (B-1) ON PROPERTY OWNED BY RIVER RIDGE – COLLEGE SQUARE, LC, KNOWN AS THE COLLEGE SQUARE SHOPPING CENTER (TAX MAP NO. 61A1-7-C) LOCATED ON THE EAST SIDE OF NORTH LEE HIGHWAY IN THE KERRS CREEK MAGISTERIAL DISTRICT

WHEREAS, by Ordinance adopted on April 23, 2012, a Special Exception Permit was granted to Carilion Clinic for a Life-Guard IZ helicopter base, with a fenced landing zone, behind the College Square Shopping Center owned by River Ridge - College Square, LC, located in the General Business District (B-1), on North Lee Highway in the Kerrs Creek Magisterial District, and further identified upon the Rockbridge County Land Records as Tax Map #61A1-7-C; and,

WHEREAS, the Special Exception Permit was issued for a period of twelve (12) months, and expired on April 22, 2013; and,

WHEREAS, Carilion Clinic requires additional time to complete the permanent pad at Stonewall Jackson Hospital, with an anticipated completion date of no later than October 1, 2013, and has applied to an extension of the Special Exception Permit for an additional six (6) months; and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on July 10, 2013, and recommended approval to the Board of Supervisors for an extension through October 1, 2013, with the condition that the applicant provide monthly status reports on the progress of the permanent facility at Stonewall Jackson Hospital; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on July 22, 2013; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

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

1. That the Board finds that the granting of an extended temporary special exception permit pursuant to Section 605.03-21 of the Rockbridge County Land Development Regulations to Med-Trans Corporation / Carilion Clinic for a helipad, to include a fenced landing zone for a Life-Guard IZ helicopter, behind the College Square Shopping Center owned by River Ridge - College Square, LC, identified as Tax Map #61A1-7-C, located in the General Business District (B-1), on North Lee Highway in the Kerrs Creek Magisterial District, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended) and said special exception permit is hereby approved through December 31, 2013, subject to the following conditions: (a) compliance with all Federal Aviation Administration laws and regulations, and (b) subject to applicant's submittal of monthly status reports on the progress of the permanent facility at Stonewall Jackson Hospital.

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 are hereby repealed.

Adopted this 22nd day of July, 2013.

Recorded Vote:

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

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Chapter 25- List of Heirs recording fee

County Attorney Vickie Huffman explained that Circuit Court Clerk Bruce Patterson had requested Board adoption of an Ordinance to impose a \$25 recording fee on a list of heirs or affidavit relating to real estate of an intestate decedent.

Chairman Campbell opened the public hearing at 6:14 p.m. and with there being no public comments, he closed the public hearing.

Supervisor Higgins moved to approve the ordinance, seconded by Supervisor Lewis. Chairman Campbell shared his opinion that there is enough grief when you lose a loved one and that this fee would only make it worse. The ordinance was adopted by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
JULY 22, 2013

**ORDINANCE TO AMEND AND REENACT CHAPTER 25 – TAXATION, ARTICLE
XII – RECORDATION TAX, OF THE ROCKBRIDGE COUNTY CODE TO ADD
SECTION 25-228 TO IMPOSE A \$25 RECORDING FEE ON A LIST OF HEIRS OR AN
AFFIDAVIT RELATING TO REAL ESTATE OF AN INTESTATE DECEDENT**

BE IT ENACTED by the Rockbridge County Board of Supervisors that Chapter 25 – Taxation, Article XII – Recordation Tax of the Rockbridge County Code is hereby amended and reenacted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 25

TAXATION

ARTICLE XII. RECORDATION TAX

Sec. 25-226. Levy; amount of tax.

The Clerk of the Circuit Court of the County shall collect and pay into the treasury of the County a County recordation tax in an amount equal to one-third (1/3) of the amount of the state recordation tax collectible for the State on the first recordation of each taxable instrument; provided, no tax shall be imposed upon any instrument in which the state recordation tax is fifty cents (\$0.50) specifically; and provided further, that where a deed or other instrument conveys, covers or relates to property located partly in the County and partly in another county or city, or in other counties or cities, the tax imposed shall be computed only with respect to the property located in the County.

Sec. 25-227. Compensation of Clerk.

For his services in collecting the tax imposed by section 25-226, the Clerk shall be compensated out of the treasury of Rockbridge County in the amount of five percent (5%) upon each instrument taxable under this Article recorded in his office. Such compensation shall be paid out of the County treasury.

Sec. 25-228. Recording fee on list of heirs or real estate affidavit.

In accordance with Code of Virginia §§ 58.1-1718 and 58.1-3805, in addition to the State fee or tax imposed by Code of Virginia Section §58.1-1717.1, there is hereby imposed a twenty-five dollar (\$25.00) fee for the recordation of a list of heirs pursuant to Code of Virginia §64.2-509, or an affidavit relating to real estate of an intestate decedent pursuant to Code of Virginia Section 64.2-510, unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate.

This Ordinance shall be effective as of July 1, 2012.

Adopted this 22nd day of July, 2013.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Report on Regional Jail Upgrades

Supervisor Higgins left the dais.

County Administrator Spencer Suter explained that, as previously discussed by the Board, the building shared by the Rockbridge Regional Jail and the Sheriff's Department is in need of significant upgrades. He explained that a 2011 facility study recommended upgrades including replacement of the roof and HVAC, as well as upgrades to the jail security system. He stated that the City of Lexington served as the Jail Commission's agent for securing loan funds in the amount of \$1,582,209, and that after receiving bids from two contractors, the lowest bid was \$540,833 more than the amount secured. He explained that of the \$540,833, Lexington's share would be \$86,890; Buena Vista's share would be \$83,077; and the County's share would be \$370,865. He asked, (1) if the Board wished to approve the additional funding and if so (2) if the Board would wish to take the funding from reserves or consider borrowing the necessary amount.

Supervisor Ford noted that should the HVAC unit break, prisoners would have to be transported to another facility at the County's expense.

Chairman Campbell recommended using reserves to fund the County's share.

Supervisor Hinty recommended getting the project funded at once by using reserves instead of getting a loan.

Supervisor Lewis indicated that though this is not the finest hour of regional financial planning, he too supported expansion of the Jail and proper management. He further noted that he would like to get the project completed at once by using reserves and to prevent a loan fee of around \$50,000.

Mr. Suter stated that both Lexington and Buena Vista had already approved their shares.

Supervisor Ford moved to authorize Mr. Suter to use reserves for the County's share. A second was provided by Supervisor Lewis, and the motion was approved by the following roll call vote:

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

Supervisor Ford mentioned that the FY1-14 budget reserved money for a new radio system and Landfill construction, but that it is unlikely that the funds will be appropriated during this budget year. This means that the unfunded reserve will not be unduly depleted by removing the \$370,865.

Supervisor Higgins returned to the Dais.

Maury Cliffs, Phase II- Approval to schedule a public hearing to vacate old utility and drainage easements

Director of Community Development Sam Crickenberger explained that Mr. Fred Massey has indicated that there is still an impediment to the title of his properties in Maury Cliffs Subdivision as a result of old utility and drainage easements. He stated that the utility and drainage easements were moved when the property line was adjusted in 1999 per the subdivision covenants and sections of the Virginia Code. He requested scheduling a public hearing on a proposed ordinance that would help clear this matter.

The Board unanimously agreed to schedule a public hearing on the proposed ordinance for August 12, 2013.

Event Application- Approval for Devils Backbone Brewery to hold a Fall Festival on August 17, 2013

Director of Community Development Sam Crickenberger explained that Devils Backbone submitted an event application to hold a Fall Harvest Festival on Saturday, August 17th, from noon until 8:00 p.m. He stated that Whipple Creek Farm will be bringing their hops crop, which citizens may help process for use at the brewery. Mountain View Farm will provide cheese and Buffalo Creek Farm will offer brats -- both made with local beer. Other local foods and beverages will be available, as well as activities for children.

Supervisor Lewis moved to approve the event application, seconded by Supervisor Higgins, and approved by unanimous roll call vote by the Board.

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

Verizon Claim

County Attorney Vickie Huffman explained that a Notice of Claim was received from Verizon for damages to its facilities, namely damaging a fiber optic cable in the County. Verizon believes that these damages resulted from the work of Rohl Networks or its subcontractor in connection with the Broadband Project construction. She recommended denial of the claim.

Chairman Campbell indicated that a letter was sent to Verizon requesting additional information on the claim, but that no documentation has been received to prove the allegations.

Supervisor Ford questioned whose insurance would cover the damages should this claim show back up at a later time.

Ms. Huffman stated that several insurance companies could be held responsible such as Ms. Utility's, the County's, Rohl Network's, or the subcontractor's.

Supervisor Lewis asked Supervisor Hinty if in his professional opinion he could think of any reason the County should not deny the claim.

Supervisor Hinty answered no.

Supervisor Lewis moved to deny the claim, seconded by Supervisor Ford, and approved by unanimous roll call by the Board.

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

Acceptance of Broadband Easement

County Attorney Vickie Huffman explained that the resolution was for approval of one cabinet easement and that the property owner was anxious to get this approved; therefore instead of waiting for other easements to be added before asking for Board approval, she wanted to have it taken care of now.

Supervisor Lewis moved to approve the resolution authorizing acceptance of one cabinet easement in connection with the Broadband Project. A second was provided by Supervisor Hinty, and the motion was approved by the following roll call vote:

AYES:	Lewis, Hinty, Ford, Higgins, 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, JULY 22, 2013

RESOLUTION 072213-4 TO AUTHORIZE THE ACQUISITION AND ACCEPTANCE OF EASEMENTS FOR INSTALLATION, OPERATION AND MAINTENANCE OF ACTIVE TELECOMMUNICATIONS CABINET SITES AND RELATED IMPROVEMENTS FROM PROPERTY OWNERS 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 County for the installation, operation and maintenance of the Network, including active telecommunications cabinet sites and related improvements; and,

WHEREAS, the deed of easement set forth herein has been executed by the specified property owners to sell cabinet site easement necessary for the Project; and,

WHEREAS, the Board of Supervisors agrees to the acquisition and acceptance of said easement, with the understanding that said easement will be transferred to the Rockbridge Area Network Authority at such time as operation of the Network is assumed by the Authority.

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 cabinet site easement, being 100 square feet in area, for installation, operation and maintenance of an active DSL telecommunications cabinet and related improvements, be, and hereby is, authorized and approved:

<u>Property Owner(s)</u>	<u>Tax Map #</u>	<u>Location</u>	<u>Consideration</u>
Carol Lueder & Elizabeth Ann Lewis	62-18-3	Valley Pike DSL	\$1,000.00

2. That the sum of \$1,000.00 for easement acquisition from the above-specified property owners, and the sum of \$17.00 for recordation of the deed of easement in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, is hereby appropriated and approved from the funds allocated to the Broadband Project.

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 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 22nd day of July, 2013.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Board Comments

Supervisor Ford mentioned that he had spoken with a citizen who might be interested in serving on the Community Services Board.

Chairman Campbell mentioned that Supervisor Lewis was asked to serve on the Main Street Program. He asked the other Board members if they had a problem with his doing so. No Board members had issue with his serving on this program.

Closed Meeting

Supervisor Higgins moved to enter into a closed meeting as permitted by Virginia Code section 2.2-3711(A)(6), discussion or consideration of a matter involving the investment of public funds where competition or

bargaining is involved, and where, if made public initially, the financial interest of the government unit would be adversely affected, namely economic development incentives. A second was provided by Supervisor Hinty and the motion was approved by the following roll call vote:

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

The EDA entered into a closed session by unanimous roll call vote of its Board Members. (Minutes for the EDA can be found in the EDA Minute Book)

Reconvene in Public Session

Supervisor Lewis moved to reconvene in open session and Supervisor Hinty provided the second. The motion was approved by the following roll call vote:

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

Supervisor Ford moved that the Board certify that, in the closed meeting just concluded, to the best of each member's knowledge, nothing was heard, discussed or considered except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed as exempt from open meeting requirements under the provisions of the Virginia Freedom of Information Act cited in that motion. Supervisor Hinty provided the second and the

motion carried by a unanimous roll call vote:

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

Adjourn

With there being no further business to discuss, on a motion by Supervisor Hinty, seconded by Supervisor Ford, the meeting was adjourned.

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