

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, APRIL 22, 2013, AT 5:30 P.M.

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

Call to Order

Chairman Campbell called the meeting to order.

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

Recognitions/Presentations

Chairman Campbell added two announcements. He explained that a child in our community had recently suffered a severe allergic reaction to ibuprofen. She was undergoing treatment at UVA hospital, sedated for pain and other symptoms. Mr. Campbell offered to provide contact information to anyone wishing to help the family.

The second announcement concerned the Raphine Fire Department, where an easement had just been signed to allow high-speed internet service to reach the department as part of the RANA Broadband Project.

Supervisor Higgins commended Chairman Campbell and the Raphine Fire Department for their efforts in obtaining signatures for the easement.

Citizen Comments

Chairman Campbell called for Citizen Comments.

Community Development director Sam Crickenberger showed the Board, in paper format, the completed Habitat Grant Application, which has recently been submitted to VHDA.

Items to be added to the agenda

Supervisor Ford requested a discussion on an email regarding drop connections sent by Mr. Vellines, the Design Nine project manager.

Mr. Suter explained that there was a situation in which some drops that were not within the original environmental assessment were pulled from the drop-list by the federal BTOP officer. Those drops included one (1) in Buena Vista and three (3) in the County. The County and RANA are attempting to try to add those drops back to the drop-list. He noted that there are some risks to adding those drops back to the drop-list, such as extending the process or even holding up all drops.

Approval of Minutes for April 8, 2013

Supervisor Ford moved to adopt the April 8, 2013 minutes, seconded by Supervisor Lewis, and approved by the following roll call vote:

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

Convene Solid Waste Authority

Chairman Campbell convened the Solid Waste Authority at 5:37 p.m.

Jeremy Garrett, Landfill Operations Manager, presented the request to initiate the purchase of a TSI-TC100 3-Phase Tire Cutter. He indicated that the old one, which was purchased three (3) years ago, is worn out and unsafe, leaving no choice but to replace this piece of equipment. He noted that on the Household Hazardous Waste Day, the landfill received just over 500 tires, making it very important that this equipment be purchased. In summary, he explained that the purchase of this will save the County money by our not having to haul the tires away.

In response to a question by Supervisor Hinty, Mr. Garrett confirmed that the new equipment will cut tires up to 19 inches; therefore, the equipment will not be used for farm tractor or tractor-trailer tires. He noted that, in order to run the new piece of equipment, the electrical wiring in the Transfer Station Building will have to be upgraded. He indicated that the county administrator, as well as his counterparts in Lexington and Buena Vista, had given full support this request.

Supervisor Lewis asked Mr. Bolster what the balance was in the Fund 19 unencumbered reserve.

Mr. Bolster answered, "over \$1 million."

The recommendation brought forth was for the Board to authorize staff to purchase a new TSI-TC100 and contract the needed electrical upgrades, and to authorize an appropriation of \$14,025 from fund code 01902-0004(unencumbered reserve) to 19040-3050 (tire shredding).

Supervisor Higgins moved to approve the recommendation, seconded by Supervisor Ford, and approved by the following roll call vote:

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

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

Review and recommendation of Buena Vista dumpster use agreement

Mr. Garrett explained that in November, 2012, the County received a letter from the Buena Vista City Manager requesting that the County release them from any further obligations to the February, 2000 agreement. This agreement allowed Buena Vista residents to utilize three separate dumpster sites: Boat Lock, Landfill Gates, and Drive-in/501, and included language involving creation of a joint recycling center.

The recommendation brought forth was for the Board to direct staff to schedule a meeting with the Board's Solid Waste Committee to review all options before bringing recommendations for action back to the full Board in May.

The Board unanimously agreed to the recommendation.

Annual Update of Capital Improvements Program (CIP)

Chris Slaydon, Assistant Director of Community Development, presented the draft 2012-2017 Capital Improvements Program, which had been recommended for approval by the Planning Commission.

The recommendation was for the Board to review the document and bring forth any changes by Wednesday, April 24, 2013, at which time adoption of the CIP would be considered.

Supervisor Higgins requested that the finance department and the County Administrator be more fully involved in production of the CIP in

the upcoming years. Supervisor Hinty agreed with Supervisor Higgins's request and added that he would like to see the Finance Committee involved in the future as well.

Mr. Slaydon confirmed that the Finance Director had been heavily involved in this year's CIP, as was Mr. Claytor in the past.

In response to expressed concerns, Mr. Suter indicated that adoption of the CIP can be pushed back in order to allow the Board additional time to review.

Supervisor Lewis mentioned that adoption of the CIP at the same time as the Budget makes sense. He commended Mr. Suter for implementing this new procedure.

Mr. Crickenberger noted that State law gives the Board the authority to direct the Planning Commission to develop a CIP. He agreed that the Finance Director and his staff should produce the CIP and then use the Planning Commission to review the documents in terms of its consistency with the Comprehensive Plan. He supported the Board's thoughts on having other departments and committees participate in the production of the CIP. He added that development of the CIP is very time-consuming for Mr. Slaydon.

Mr. Bolster noted that much of the CIP has the same information as the Budget. He confirmed that, in years to come, the Finance Committee would be more involved in forming the CIP.

Mr. Suter reiterated that the CIP does not have to be adopted on Wednesday, April 24th.

Public Hearings

Ordinance to shift VASAP from Roanoke to Staunton regional office

Mr. Suter introduced the agenda item, noting that the proposed ordinance was published in the News Gazette on April 10th and 17th. The following was included in the agenda item: "The Virginia Alcohol Safety Program is a mandated service which provides the Courts with the option to assign those persons convicted of an alcohol-related crime (typically Driving Under the Influence) rehabilitative training in conjunction with other penalties. The Rockbridge area has traditionally been served by the Roanoke Area VASAP office. Recently, and in an effort to more efficiently administer the local program, the Honorable Gordon Saunders, Judge of the Rockbridge General District Court, requested that program administration be shifted to the Valley VASAP office, based in Staunton. After considerable research and coordination with the Commonwealth Commission on VASAP, Rockbridge County is prepared to make this revision. The Commission approved the change through an official vote on February 14, 2013, at its quarterly meeting. Locally, the action requires adoption of an ordinance by the Board of Supervisors. At the regular meeting on April 8th, the Board directed staff to advertise the ordinance for an April 22 public hearing."

Chairman Campbell opened the public hearing at 6:01 p.m. With there being no public comments, Chairman Campbell closed the public hearing.

Supervisor Higgins moved to adopt the ordinance authorizing the County of Rockbridge to participate in the Valley Alcohol Safety Action Program and to direct staff to coordinate with the Director of the Valley VASAP program to facilitate a smooth transition. 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

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

**AN ORDINANCE TO AUTHORIZE THE COUNTY OF
ROCKBRIDGE'S PARTICIPATION IN THE VALLEY
ALCOHOL SAFETY ACTION PROGRAM**

WHEREAS, the Commonwealth of Virginia in the interest of highway safety has provided by law, programs for probation, education, and rehabilitation of persons charged with driving motor vehicles under the influence of alcoholic beverages and other self-administered drugs, such programs being collectively known as Virginia Alcohol Safety Action Program or VASAP; and,

WHEREAS, § 15.2-1300 of the Code of Virginia (1950, as amended), authorizes local units of government to exercise their powers, privileges and authorities under a joint exercise of powers for the operation of a multi-jurisdictional venture; and,

WHEREAS, § 18.2-271.2 of the Code of Virginia requires the establishment of a VASAP Commission and the Commission shall establish procedures for the operation of local Alcohol Safety Action Programs; and,

WHEREAS, one of those programs known as Valley ASAP has been serving the City of Staunton, the City of Waynesboro, and the County of Augusta, providing probationer monitoring, education and treatment of persons charged with alcohol and drug offenses with all powers and duties granted to it by the laws of Virginia; and,

WHEREAS, the program known as Valley ASAP (the "Program") will begin providing services to the City of Lexington, the City of Buena Vista, and the County of Rockbridge, providing probationer monitoring, education and treatment of persons charged with alcohol and drug offenses with all powers and duties granted to it by the laws of Virginia; and,

WHEREAS, the VASAP Commission has issued directives that all local VASAP programs would establish and implement an independent Policy Board representative of all localities served by the Program to operate the Program; and,

WHEREAS, the City of Staunton, the City of Waynesboro, the County of Augusta, the City of Lexington, the City of Buena Vista, and the County of Rockbridge desire to establish jointly, said Policy Board; and,

WHEREAS, legal notice of a public hearing and consideration of this Ordinance on April 22, 2013, has been published as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, that the County of Rockbridge does hereby join the City of Staunton, the City of Waynesboro, the County of Augusta, the City of Lexington, and the City of Buena Vista, to establish said Policy Board (the "Board") as administrative and fiscal agent subject to the following provisions:

Section 1. The Board shall consist of not more than twelve (12) members. Two persons shall be appointed by the governing body of each participating locality and will serve for a term of three (3) years.

Section 2. The officers of the Board shall consist of a Chairman, a Vice-Chairman, a Secretary-Treasurer, and such subordinate officers as may from time to time be elected or appointed by the Board. Each of said officers shall serve without compensation. The officer of Chairman and Vice-Chairman shall be held by members from different participating localities. Each officer shall be elected at the annual meeting of the Board to serve for a term of one (1) year unless sooner removed by the Board, or until his successor be elected and qualify.

Section 3. The Board shall be responsible for the operation of the Program within the participating localities, and shall hire and supervise an Executive Director who shall be responsible for implementing operational policies for the Program, hiring and supervising the staff of the Program, and controlling all revenue and expenditures of the Program.

Section 4. Regular meetings of the Board shall be held quarterly and are open to the public. Special meetings may be called by the Chairman at his or her discretion or by any seven (7) board members upon five (5) days notice to all members in writing or by telephone of the time, place, and purpose of the special meeting. A simple majority of members of the Board shall constitute a quorum for transaction of any and all business.

Section 5. The Executive Director shall prepare and submit a operating budget for approval by the Board each fiscal year. The budget shall include projected revenue from client fees and other available funds as deemed appropriate by the Board and operating expenses. The participating localities will at no time incur any costs for the operation of the Program. The Commission on VASAP shall be responsible for funding any deficit occurring in the operation of the Program.

Section 6. The Commission on VASAP shall be responsible for conducting financial audits of the Program at such times as determined by the Commission.

Section 7. The Executive Director shall prepare and submit an annual report for approval by the Board within ninety (90) days of the close of the fiscal year. The annual report shall be presented to the governing body of each participating locality after approval by the Board.

Section 8. The Program shall be operated by the Board in compliance with the Commission on VASAP Policies and Procedures.

Section 9. Title to all property acquired by Valley ASAP shall be vested within the Alcohol Safety Action Program so long as two (2) or more localities continue to participate in its operation. In the event that all localities withdraw and the Commission on VASAP withdraws its endorsement, the property owned by the Program shall be disposed of in accordance with the then applicable provisions of the Code of Virginia.

Section 10. This agreement shall remain in effect continuously from year to year until termination. Participating localities may withdraw at any time by official action of the governing body and after ninety (90) days written notice to the Board. If a locality withdraws, its representative(s) shall no longer serve on the Board.

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

Adopted this 22nd day of April, 2013.

Consideration of Bryant Property lease on South River

County Attorney Vickie Huffman introduced the agenda item. The following was included in the summary provided to the Board: "The County owns a number of properties on South River that were acquired in connection with the South River Flood Mitigation Project. The Open Space Policy adopted by the Board of Supervisors gives leasing priority to former property owners, then to adjoiners. R. Coleman Bryant and Betty F. Bryant are the former owners of two parcels on South River Road identified on the Land Records as Tax Map #64-A-27A1 and #64-A-27A2. The parcels are shown on the attached copy of the land records. The Bryants have been leasing back the parcels for use in their agricultural operations since 2008, but their current lease expired on March 31, 2013. Mr. and Ms. Bryant have requested approval of a new lease for another five (5) years, at the annual rent of \$101.60. The proposed new lease is the same as the prior lease, with changes in the dates."

Chairman Campbell opened the public hearing at 6:03 p.m. With there being no public comments, Chairman Campbell closed the public hearing.

Supervisor Lewis clarified a suggestion he had made during the previous Board Meeting that he thought might have been misunderstood. He

requested that the lease policy for the South River properties be: that the leases be reviewed administratively after five (5) years, and if acceptable, be renewed for another five (5) years. He clarified that he was not requesting any sort of automatic renewal.

Chairman Campbell thanked Supervisor Lewis for his clarification. He stated that, once all South River leases are renewed this year, the process of future renewals will be discussed.

In response to a question by Supervisor Hinty regarding the involvement of the Planning Commission with the South River leases, Mr. Crickenberger confirmed that the Planning Commission had no involvement, but that as part of the easement requirements, his department inspects each property every three (3) years.

Supervisor Lewis moved to approve the ordinance authorizing and approving execution of Land Lease Agreement with R. Coleman Bryant and Betty F. Bryant to lease County-owned property acquired in connection with the South River Flood Mitigation Project. A second was provided by Supervisor Hinty, and the ordinance 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, APRIL 22, 2013

ORDINANCE AUTHORIZING AND APPROVING EXECUTION OF LAND LEASE AGREEMENT WITH R. COLEMAN BRYANT AND BETTY F. BRYANT TO LEASE COUNTY OWNED PROPERTY ACQUIRED IN CONNECTION WITH THE SOUTH RIVER FLOOD MITIGATION PROJECT, BEING A .464-ACRE LOT, SHOWN AS PARCEL A, NEW TAX ID #64-A-27A1, AND A 0.549-ACRE LOT, SHOWN AS PARCEL

B, NEW TAX ID #64-A-27A2, ON PLAT OF RECORD IN PLAT CABINET 4, SLIDE 61,
IN THE SOUTH RIVER MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY

WHEREAS, the County of Rockbridge has acquired a number of properties within the flood plain along South River using grants awarded from the Federal Emergency Management Agency (FEMA), through the Virginia Department of Emergency Management (VDEM), and from the Virginia Department of Housing and Community Development (VDHCD) for this Project; and,

WHEREAS, pursuant to the conditions of the grants, all structures on the parcels were demolished and the properties are to be maintained as open space in perpetuity; and,

WHEREAS, on March 13, 2006, the Board of Supervisors adopted the 'South River Flood Mitigation Project Open Space and Land Lease Policy' and the Board determined that those properties not located directly on South River could be leased to former or adjoining property owners as provided in the Policy; and,

WHEREAS, R. Coleman Bryant and Betty F. Bryant are the former owners of the parcels on South River Road described as ".464-acre lot – Parcel A – New Tax Id #64-A-27A1" and 0.549-acre lot – Parcel B- New Tax Id #64-A-27A2", on a plat entitled "Subdivision for Tax Parcel 0640000A00000270 & 27A, South River Magisterial District, Rockbridge County, Virginia," dated October 9, 2006, revised October 23, 2006, prepared by Green Forest Surveys, and recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in Plat Cabinet 4, Slide 61; and,

WHEREAS, R. Coleman Bryant and Betty F. Bryant, as the former owners, have been leasing the subject parcels of land since 2008, with their current lease having expired on March 31, 2013; and,

WHEREAS, the Bryants have expressed an interest in continuing to lease the subject parcels for another five (5) years; and,

WHEREAS, the lease of said property requires the adoption of an ordinance, following notice and a public hearing, which was held on April 22, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, as follows:

1. That lease of the parcels on South River Road described as ".464-acre lot – Parcel A – New Tax Id #64-A-27A1" and 0.549-acre lot – Parcel B- New Tax Id #64-A-27A2", on a plat entitled

“Subdivision for Tax Parcel 0640000A00000270 & 27A, South River Magisterial District, Rockbridge County, Virginia,” dated October 9, 2006, revised October 23, 2006, prepared by Green Forest Surveys, and recorded in the aforesaid Clerk’s Office in Plat Cabinet 4, Slide 61, to R. Coleman Bryant and Betty F. Bryant, for a period of five (5) years at a total annual rental of \$101.60, payable annually in advance, is hereby authorized and approved, subject to the Open Space and Land Lease Policy adopted by the Board on March 13, 2006, and on file in the office of the Clerk to the Board and attached as Exhibit A to the Land Lease Agreement.

2. That the funds generated by this lease shall be placed in the General Fund of the County.

3. That the County Administrator or Fiscal Services Director is hereby authorized to execute a land lease agreement on behalf of the Board of Supervisors of the County of Rockbridge and to execute such other documents and take such further actions 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 ordinance shall be effective upon the date of its adoption.

Adopted this 22nd day of April, 2013.

**Special Exception Permit-Indian Cove Kennels- commercial kennel
in A-2**

Mr. Crickenberger introduced Sue and Pete Hecht. In summarizing the agenda item, he stated: "Sue Hecht has applied for a special exception permit to operate a commercial kennel in A-2, per Section 603.03-5 of the Zoning Regulations. The property is located west of Dutch Hollow Road approximately .7 miles north of its intersection with Hays Creek Road, and

totals 50 acres, surrounded by another 200 acres of family property which is all under a conservation easement. Ms. Hecht currently has facilities for six dogs. The Planning Commission recommended approval for up to twenty dogs."

Mr. Slaydon reviewed aerial photos of the property.

Chairman Campbell opened the public hearing at 6:12 p.m.

James Poole, a neighboring property owner, stated that the property stays very clean and that he supported the request for the Special Exception Permit.

Chairman Campbell closed the public hearing at 6:13 p.m.

Supervisor Higgins indicated that he had driven to the property and had spoken to several of the neighbors, none of whom had issues with the special exception permit. He shared his support of the kennel.

Supervisor Ford indicated that he too had visited the site and that he agreed with Supervisor Higgins' assessment.

Supervisor Lewis moved to approve the Ordinance granting a Special Exception Permit to Virginia Sue Hecht for a Commercial Dog Kennel in the Agricultural and General Uses (A-2) Zoning District, located at 125 Indian Cove Lane on a 50 acre parcel (Tax Map #25-A-1A) in the Walkers Creek Magisterial District. Supervisor Hinty provided the second, and the ordinance 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,
APRIL 22, 2013

**Ordinance Granting a Special Exception Permit to Virginia Sue Hecht for a
Commercial Dog Kennel in the Agricultural and General Uses (A-2) Zoning
District, Located at 125 Indian Cove Lane on a 50-Acre Parcel (Tax Map #25-A-1A)
in the Walkers Creek Magisterial District**

WHEREAS, Virginia Sue Hecht, owner of a 50-acre tract of land, located at 125 Indian Cove Lane, Raphine, Virginia, off of the west side of Dutch Hollow Road approximately .7 miles north of its intersection with Hays Creek Road in the Walkers Creek Magisterial District, and identified upon the Rockbridge County Land Records as Tax Map #25-A-1A, has applied for a Special Exception Permit to operate a commercial dog kennel known as Indian Cove Farm Kennel in an Agricultural and General Uses (A-2) zoning district; 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 Rockbridge County Planning Commission held a public hearing on this matter on April 10, 2013, and recommended to the Board of Supervisors that the special exception permit be approved with the condition that a maximum number of twenty (20) dogs be authorized at the commercial kennel; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on April 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, with the specified condition, the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

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

1. That the Board of Supervisors finds that the granting of a special exception permit to Virginia Sue Hecht for a commercial dog kennel at 125 Indian Cove Lane on a 50-acre tract of land identified upon the Rockbridge County Land Records as Tax Map #25-A-1A, in the Agricultural and General Uses (A-2) Zoning District, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved, subject to the condition that a maximum of twenty (20) dogs are authorized at the kennel.

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

Adopted this 22nd day of April, 2013.

Rezoning Application-Robert Driver-conditionally rezone from

R-1 to B-1

Mr. Crickenberger introduced Robert Driver and summarized the following agenda item: "Mr. Driver has applied to conditionally rezone two lots in downtown Brownsburg from R-1 to B-1. The corner lot is the home to Old South Antiques, a non-conforming use under the current R-1 zone. The adjacent, vacant lot is proposed to be used for a seasonal food vendor, to capitalize on the summer bicycle traffic and other tourists traveling through the area. As a conditional rezoning, a list of associated proffers is enclosed, which are intended to allow for several possible uses appropriate to the Brownsburg area. The Planning Commission has recommended approval of the conditional rezoning and acceptance of the

associated proffers."

Chairman Campbell opened the public hearing at 6:16 p.m. Mr. Driver spoke in favor of his application, noting that he has had "nothing but good responses" from the community. He stated that locating the businesses here would benefit those touring the Brownsburg area.

Chairman Campbell closed the public hearing at 6:19 p.m.

Supervisor Lewis moved to approve the ordinance to change the zoning classification from Residential General District (R-1) to General Business District (B-1), with conditions, of two unimproved lots of land totaling .381 acre owned by Robert Driver, Jr., and Edna Driver, located at the Northwest corner of Brownsburg Turnpike and Hays Creek Road in the Walkers Creek Magisterial District. The motion was seconded by Supervisor Ford, and approved by the following roll call vote:

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, APRIL 22, 2013**

ORDINANCE TO CHANGE THE ZONING CLASSIFICATION FROM RESIDENTIAL GENERAL DISTRICT (R-1) TO GENERAL BUSINESS DISTRICT (B-1), WITH CONDITIONS, OF TWO LOTS OF LAND TOTALING .381 ACRE (TAX MAP NOS. 26A -A-4 AND 26A-A-5) OWNED BY ROBERT J. DRIVER, JR., AND EDNA G. DRIVER, LOCATED AT THE NORTHWEST CORNER OF BROWNSBURG TURNPIKE AND HAYS CREEK ROAD IN THE WALKERS CREEK MAGISTERIAL DISTRICT

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on April 10, 2013, and recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be adopted; 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 held a public hearing on this matter on April 22, 2013; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject parcels 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 two parcels of real estate containing a total of .381 acres, identified upon the Rockbridge County Land Records as Tax Map #26A-A-4 and #26A-A-5, located at the northwest corner of Brownsburg Turnpike and Hays Creek Road in the Walkers Creek Magisterial District of Rockbridge County, is hereby changed from R-1, Residential General District, to B-1, General Business District, with and subject to the proffered conditions as set forth on Exhibit A attached hereto and incorporated herein, and which the Board hereby accepts.

2. That this action is taken upon the application of a property owner, Robert J. Driver.

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

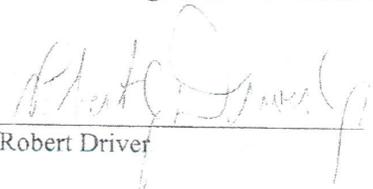
Adopted this 22nd day of April, 2013.

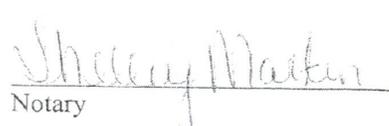
EXHIBIT A

Proffered Conditions Associated with the Robert Driver Conditional Rezoning to B-1

- ✓ 1. Country store or village business use, including financial institution.
2. Library, museum.
- ✓ 3. Open air market or stand for farm, horticulture, craft, and produce sales (temporary).
4. Plant nursery, with sale of products permitted on premises.
5. Bed and breakfast inn or country inn .
- ✓ 6. Restaurant/Café.

I agree to limit the uses of the properties under consideration for re-zoning to General Business (B-1), identified as Tax Maps 26A-A-4 and 5 as listed above.


Robert Driver


Notary

SHELLEY M. MARTIN
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #166600
My Commission Expires Nov. 30, 2013

Zoning Amendment Application- JBLN Development- proffer amendment

Mr. Crickenberger introduced Brasil Hamrick, representing the project. He summarized the agenda item as follows: "Brasil Hamrick has applied to amend the proffers associated with his previously conditionally rezoned project in Saddlebrook Ridge, based on substantial compliance with the plan presented, which was for the development of 80 townhomes in R-2. As the market has not supported build-out of this project to completion, he would now like to develop 28 single family home lots and 12 townhouse units. Several plans are enclosed as exhibits to describe how Mr. Hamrick expects the remaining property to be developed, as well as the plat for the two lots."

Chairman Campbell opened the public hearing at 6:21 p.m.

Mr. Hamrick introduced himself and asked if there were any questions.

Supervisor Hinty asked who owned the townhomes near Mr. Hamrick's property. Mr. Hamrick replied that he was unsure of current ownership but that the property had been developed by Alex Fecas and is at full occupancy.

Chairman Campbell closed the public hearing at 6:25 p.m.

Supervisor Lewis moved to approve the Ordinance to amend proffered conditions to a prior conditional rezoning to residential mixed [R-2] with conditions, by ordinance adopted February 23, 2009, for a 9.42-acre parcel of land owned by JBLN investments, LLC, located along the east side of thoroughbred circle off of Valley Pike Road in the Walkers Creek Magisterial District. 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, APRIL 22, 2013**

ORDINANCE TO AMEND PROFFERED CONDITIONS TO A PRIOR CONDITIONAL REZONING TO RESIDENTIAL MIXED (R-2), WITH CONDITIONS, BY ORDINANCE ADOPTED FEBRUARY 23, 2009, FOR A 9.42-ACRE PARCEL OF LAND (TAX MAP NO. 62-33-22) OWNED BY JBLN INVESTMENTS, LLC, LOCATED ALONG THE EAST SIDE OF THOROUGHbred CIRCLE OFF OF VALLEY PIKE ROAD IN THE WALKERS CREEK MAGISTERIAL DISTRICT

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on April 10, 2013, and recommended to the Board of Supervisors that the zoning classification, with acceptance of amended proffered conditions, be approved; 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 held a public hearing on this matter on April 22, 2013; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning, with amend proffered conditions, of the subject 9.42-acre parcel 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 amendment to the proffered conditions for the conditional zoning classification Residential Mixed District (R-2) for a certain parcel of real estate containing 9.42 acres, identified

upon the Rockbridge County Land Records as Tax Map No. 62-33-22, located along the east side of Thoroughbred Circle off of Valley Pike Road in the Walkers Creek Magisterial District of Rockbridge County, and shown on a Preliminary Plat entitled 'JBLN INVESTMENTS, LLC' dated February 24, 2013, a copy of which is attached hereto as Exhibit A and incorporated herein, is hereby approved, with and subject to the amended conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors hereby accepts.

2. That this action is taken upon the application of the property owner, JBLN 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 22nd day of April, 2013.

Final Subdivision Review- JBLN Investments- Final approval for two (2) lots in R-2

In connection with the approved Zoning Amendment Application for JBLN Development regarding proffer amendments, Mr. Crickenberger explained that Mr. Hamrick was requesting approval of a two (2) lot subdivision. The Planning Commission had recommended approval to the Board.

Supervisor Lewis moved to approve the two (2) lot subdivision. A second was provided by Supervisor Hinty, and was approved by the following roll call vote:

AYES: Lewis, Hinty, Ford, Higgins, Campbell

NAYES: None

ABSENT: None

Farmers' Market Application - Rockbridge Baths

Mr. Crickenberger introduced the application by Ms. Joan Whitesell for a Farmers Market in Rockbridge Baths to be held each Saturday at the Fire Department, beginning May 25th and ending August 31st, from 9:00 a.m. until 12:00 noon.

Supervisor Lewis moved to approve the application, seconded by Supervisor Ford, and approved by the following roll call vote:

AYES: Lewis, Ford, Higgins, Hinty, Campbell

NAYES: None

ABSENT: None

Appointments

Workforce Investment Board- Ratification of Karen Parker's appointment

Sam Crickenberger indicated that the Board of Supervisors had appointed him to the Consortium of Local Elected Officials to represent the County on the Workforce Investment Board. A further duty of the Supervisors is to appoint a member of the private sector to that Board; therefore, he has appointed Karen Parker. Ms. Parker has been very active in the ongoing Stillwater project in Goshen and should be an excellent fit for the Board. He requested that the Board ratify this appointment.

Supervisor Lewis moved to ratify the appointment of Karen Parker, seconded by Supervisor Higgins, and approved by the following roll call vote:

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

Board Comments

Mr. Suter then revisited the discussion held at the beginning of the meeting regarding RANA re-drop connections. He further explained the email sent by Mr. Vellines. Supervisor Ford thanked him for clarifying Mr. Vellines' written comments.

Supervisor Higgins shared his appreciation of being able to visit the Devils Backbone Brewery and Will Harris's Stillwater project in Goshen. He commended Mr. Crickenberger for all his work related to these projects. He made a request to Mr. Crickenberger that he make arrangements for the Board to visit the Z&T Sales operation directly behind Devils Backbone. Situated in the former bowling alley, this is another recent economic development sponsored by the Board of Supervisors and the Economic Development Authority.

Mr. Crickenberger indicated that he is currently working on arranging a tour of Z&T Sales.

Supervisor Hinty commended staff members who worked on the Budget and the CIP.

Chairman Campbell announced that the Board is in the process of arranging another Employee Appreciation Day.

Adjourn

With there being no further business to discuss, Supervisor Higgins moved to adjourn, seconded by Supervisor Hinty, and approved by the following roll call vote:

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