

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA, HELD IN THE COUNTY ADMINISTRATIVE OFFICE BUILDING, 150 SOUTH MAIN STREET LEXINGTON, VIRGINIA, IN THE BOARD OF SUPERVISORS MEETING ROOM, ON MONDAY, JANUARY 13, 2014, AT 5:30 P.M.

PRESENT: CHAIRMAN R.R.CAMPBELL
MEMBERS: J.M.HIGGINS, R.S.FORD, A.W.LEWIS, JR, D.W.HINTY, JR.
ABSENT:
CLERK TO BOARD: SPENCER H. SUTER
COUNTY ATTORNEY: VICKIE L. HUFFMAN
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: SAM CRICKENBERGER, CHRIS SLAYDON, BRANDY FLINT, JEREMY GARRETT, KENNY WILSON, PAUL OWEN, RHONDA MILLER, ROBERT FORESMAN, BETTY TROVATO, SHERIFF BLALOCK, BRANDY WHITTEN

Call to Order

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

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

Recognitions/Presentations

Resolution Supporting the Memory of State Trooper Jerry Hines

Chairman Campbell called for recognitions and presentations.

Supervisor Lewis read aloud the following resolution:

RESOLUTION COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY VIRGINIA STATE TROOPER JERRY L. HINES.

WHEREAS, Trooper Jerry L. Hines was a 22 year veteran of the Virginia Department of State Police; and,

WHEREAS, Trooper Hines received a Bachelor of Arts Degree from East Tennessee State University in 1966; and,

WHEREAS, Trooper Hines was a 1977 graduate of Dabney S. Lancaster Community College's Police Science program; and,

WHEREAS, Trooper Hines was a charter member of the Virginia State Police Association and served as President from 1978 until 1980, and served as Editor-in-Chief of the Virginia State Trooper Magazine; and,

WHEREAS, Trooper Hines was a member of the Virginia National Guard, the Effinger Ruritan Club, and the Rockbridge Regional Jail Commission; and,

WHEREAS, Trooper Hines stood in harm's way on Interstate 81 on February 20, 1989; and,

WHEREAS, Trooper Hines gave his life protecting the residents of Rockbridge County and the Commonwealth; and,

WHEREAS, in memory and honor of Trooper Hines, Dabney S. Lancaster's Educational Foundation offers "The Master Trooper Jerry L. Hines Scholarships" for graduating Seniors who are enrolled in Administration of Justice or Forensic Science programs; and,

WHEREAS, the County of Rockbridge is indebted to Trooper Hines and wishes that the memory of his sacrifice be preserved for future generations;

NOW, THEREFORE, BE IT RESOLVED: That the Board of Supervisors of the County of Rockbridge, Virginia does hereby acknowledge and honor Trooper Jerry L. Hines for his sacrifice, and fully supports the Commonwealth of Virginia in efforts to preserve the memory of Trooper Hines by designating the Interstate 81 bridges over Buffalo Creek in Rockbridge County the "Master Trooper Jerry L. Hines Memorial Bridge," and,

BE IT FURTHER RESOLVED: That a certified copy of this resolution be forwarded to the The Honorable R. Creigh Deeds, Senator of the Virginia State Senate, and to The Honorable Benjamin L. Cline, Delegate of the Virginia House of Representatives.

Adopted this ____ day of January, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Supervisor Lewis moved to adopt the resolution. A second was provided by Supervisor Higgins, and the resolution was adopted by unanimous roll call vote.

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

Election of Chair and Vice Chair

Supervisor Hinty nominated Supervisor Higgins to serve as Chairman for calendar year 2014. Supervisor Lewis provided the second, and the nomination carried unanimously by the following roll call vote:

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

After taking the Chairman's position at the Dias, Chairman Higgins commended the Board of Supervisors for giving him the opportunity to serve as Chairman. He then thanked Supervisor Campbell personally for his work as Chairman throughout 2012 and 2013.

Supervisor Lewis nominated Supervisor Hinty as Vice Chairman. Supervisor Campbell provided the second, and the nomination carried by the following roll call vote:

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

Consideration of Staff Appointment

County Administrator Spencer Suter advised that the County Personnel Policy Manual had been amended in December, 2013, to allow for internal promotions. He noted that for over a year, limitations in the personnel policy manual had prevented the Board from officially naming Interim Building Official Kenny Wilson as the County's Building Official. He discussed Mr. Wilson's excellent service to the County over the previous year and requested that the Board appoint him as the Rockbridge County Building Official.

Supervisor Hinty moved to name Mr. Wilson the County's Building Official. Supervisor Campbell provided the second and the promotion was official after unanimous roll call vote.

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

Chairman Higgins commended Mr. Wilson for his exemplary work.

Citizen Comments

Chairman Higgins called for citizen comments. There were none.

Items to be added to the Agenda

Chairman Higgins called for items to be added to the Agenda. There were none.

Adoption of 2014 Board of Supervisors Meeting Schedule

Chairman Higgins suggested adding a Work Session prior to the Board of Supervisors meeting on the 4th Monday of each month. Under his proposal, the Board of Supervisors would conduct a work session on the 4th Monday of each month from 4:30 until 5:30. At the conclusion of the work session, the regular Board meeting would begin. Public Hearings would remain, as needed, at 6:00 p.m. on the 2nd and 4th Mondays, except on holidays.

Supervisor Ford moved to adopt the Board of Supervisors Meeting Schedule, adding a Work Session on the 4th Monday of each month. A second was provided by Supervisor Hinty, and the motion carried by unanimous roll call vote.

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

The following is a final 2014 Board of Supervisors Meeting Schedule

**2014 BOARD OF SUPERVISORS AND SOLID WASTE
AUTHORITY MEETING SCHEDULE**

Please be advised the Rockbridge County Board of Supervisors (BOS) and Solid Waste Authority hold regular meetings on the SECOND and FOURTH Mondays (with the exception of those noted below by *) of each month in the County Administration Office Building Board Room, 150 South Main Street, Lexington, VA 24450. On the FOURTH Monday of each month (with the exception of those noted below by *), the Board will hold a work session prior to the regular meeting. Depending on needs of the Board, the work session may be held on the 2nd floor of the County Administration Office Building in the Cooperative Extension Office meeting room. In such cases, a public notice will be posted on the door of the Board Room, directing the public to the Cooperative Extension Office. Traditionally, there is not a second meeting in December. This calendar includes the first, organizational meeting of 2015.

Following is the meeting schedule for 2014:

	2nd MONDAY	4th MONDAY
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2014	BOS Meeting @ 5:30 P.M.	BOS Work Session @ 4:30 P.M. BOS Meeting @ 5:30 PM
January	13 th	27 nd
February	10 th	24 th
March	10 th	24 th
April	14 th	28 th
May	12 th	27 th *
June	9 th	23 rd
July	14 th	28 th
August	11 th	25 th
September	8 th	22 nd
October	14 th *	27 th
November	10 th	24 th
December	8 th	TBD
January	12 th	

* Tuesday Meeting due to State holiday on Monday.

Approval of December 9, 2013 and January 2, 2014 Minutes

Supervisor Lewis moved to adopt the December 9, 2013 and January 2, 2014 Minutes. A second was provided by Supervisor Ford, and the minutes were adopted by unanimous roll call vote.

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

Financial Report

Fiscal Services Director Steve Bolster reviewed his monthly memorandum. Activities for the Commissioner of the Revenue included: mailed out business license applications; sent tax relief applications for elderly and disabled; forwarded business personal property forms; mailed out meals and lodging forms; processing business licenses; 2013 Personal property tax book provided to Treasurer; and 2013 Real estate supplemental tax book is complete.

Activities for the County Treasurer included: business license revenues are starting to come in; estimated 4th quarter state income due January 15, 2014; dog tag license fees are due by January 31, 2014; and waiting to learn the tax sale confirmation court date.

County Treasurer Betty Trovato explained that the decree of sale was filed in October, 2013, and that the judge had indicated that it was properly presented. She stated that the confirmation of the sales, which should total around \$53,000, is currently pending.

Mr. Bolster presented the School Appropriation Resolution. He requested approval of the Resolution as presented.

Supervisor Lewis moved to approve the School Appropriation Resolution as presented. Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Lewis, Hinty, Ford, Campbell, Higgins
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, JANUARY 13, 2014 AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, 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:

National Board Certification 2014

4-50-61100-1624-390-500 Supplemental Wages..... \$5,000.00

TOTAL FUND 50 APPROPRIATIONS **\$5,000.00**

RECORDED VOTE:
AYES:
NAYS:
ABSTAIN:
ABSENT:

Chairman

Attest: _____
County Administrator

Mr. Bolster presented the County Appropriation Resolution. He then recommended approval of the resolution.

Supervisor Hinty moved to approve the County Appropriation Resolution as presented. A second was provided by Supervisor Ford, and the motion carried by unanimous roll call vote by the Board.

AYES: Hinty, Ford, Campbell, Lewis, Higgins
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, JANUARY 13, 2014, AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, 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:

4-11-31030-7001 Homeland Security Grant.....	\$879.00
4-11-81090-3002 Transportation Grant.....	\$7,179.00
4-11-91090-3004 Wayfinding Signage Grant.....	\$7,070.00
4-11-99010-6192 Transfer to Lined Landfill.....	\$1,588.00

Total General Fund Appropriations	\$16,716.00
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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:

4-19-19050-3002 Professional Services.....	\$1,719.00
4-19-19050-3006 Seeding/Mowing/Erosion Control.....	\$300.00
4-19-19070-3001 Engineering Services.....	\$1,588.00

Total SWA/Landfill Fund Appropriations	\$3,607.00
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Total Appropriations	\$20,323.00
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Current County

11 - General Fund	\$451,398.52
19 - SWA/Landfill	\$43,845.12
20 - SWA/Recycling	\$1,822.51
94 - Central Stores	<u>\$2,549.11</u>

Total County Bills **\$499,615.26**

Current Fiscal Agent

80 - Regional Jail \$40,601.11

93 - CSA Administration \$846.25

Total Fiscal Agent **\$41,447.36**

TOTAL ALL BILLS **\$541,062.62**

RECORDED VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Chairman

Attest:

Spencer H. Suter
County Administrator

Convene Solid Waste Authority

Adoption of 2014 Solid Waste Authority Meetings Schedule

Supervisor Ford moved to adopt the Solid Waste Authority Meeting Schedule as presented. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Campbell, Lewis, Hinty, Higgins

NAYES: None

ABSENT: None

2014 BOARD OF SUPERVISORS AND SOLID WASTE

AUTHORITY MEETING SCHEDULE

Please be advised the Rockbridge County Board of Supervisors (BOS) and Solid Waste Authority hold regular meetings on the SECOND and FOURTH Mondays (with the exception of those noted below by *) of each month in the County Administration Office Building Board Room, 150 South Main Street, Lexington, VA 24450. On the FOURTH Monday of each month (with the exception of those noted below by *), the Board will hold a work session prior to the regular meeting. Depending on needs of the Board, the work session may be held on the 2nd floor of the County Administration Office Building in the Cooperative Extension Office meeting room. In such cases, a public notice will be posted on the door of the Board Room, directing the public to the Cooperative Extension Office. Traditionally, there is not a second meeting in December. This calendar includes the first, organizational meeting of 2015.

Following is the meeting schedule for 2014:

2014	2 nd MONDAY	4 th MONDAY
	BOS Meeting @ 5:30 P.M. SWA Meeting @ 5:30 P.M.	BOS Work Session @ 4:30 P.M. BOS Meeting @ 5:30 PM SWA Meeting @ 5:30 PM
January	13 th	27 nd
February	10 th	24 th
March	10 th	24 th
April	14 th	28 th
May	12 th	27 th *
June	9 th	23 rd
July	14 th	28 th
August	11 th	25 th
September	8 th	22 nd
October	14 th *	27 th
November	10 th	24 th
December	8 th	TBD
January	12 th	

* Tuesday Meeting due to State holiday on Monday.

FYE 2013 Audit Review by Robinson, Farmer, Cox

Finance Director Steven Bolster introduced James Kelly of Robinson, Farmer, Cox.

Mr. Kelly provided a PowerPoint presentation detailing the FY 2013 audit. Highlights included:

Summary of Audit Results

Unmodified opinion, which is the highest standard

No significant deficiencies in the internal control system and no Single Audit Findings

Management letter issued to document our recommendations

Highlights of Financial Statements

Management's Discussion and Analysis

General Fund balance increased \$678,417 to over \$21 million, due to tax increase implemented in FY 13

\$17.2 million of fund balance is unassigned; however over \$9 million is from tax revenues received in June, 2013, that will be used to fund operations until December, 2013

Over \$1.2 million transferred to the solid waste authority and recycling fund

The Governmental Funds ended the year with over \$16 million in unrestricted cash and investments

GFOA Certificate for Excellence in Financial Reporting is a goal for County this year

The Board of Supervisors thanked Mr. Kelly for attending the meeting and for providing an excellent presentation. The Board also commended the County Administrator and Finance Director for their participation throughout the auditing process. Supervisor Ford received confirmation from Mr. Kelly that new GASB accounting standards require all Virginia localities to list the difference between VRS asset value and calculated pension liabilities on their future financial statements.

Public Hearings

Special Exception Permit- Jellystone Park- campground expansion in A-2

Assistant Director of Community Development Chris Slaydon reviewed the Agenda Item which included the following information: "Jellystone Park has applied for a special exception permit to expand their campground in the A-T district per Section 603B.03-8 of the Regulations. They would like to develop six more cabin sites and forty-two more seasonal sites as shown on the attached plan. Several of the Planning Commission members visited the site and reported back regarding the proximity of the extended access road to the Watkins' property line. To resolve this privacy concern and to screen the adjoining property from campers, a privacy fence was recommended and agreed to by the Park owner in lieu of trying to improve the vegetative buffer. The Planning Commission then recommended approval of the expansion plans as consistent with the comprehensive plan conditioned on the following: substantial compliance with the plan presented; constructing a six foot tall solid board fence along the

Watkins' property line as shown on the plan; final approval from the Office of Erosion and Sediment Control; and final approval from the Health Department."

Chairman Higgins opened the public hearing at 6:02 p.m.

Torben Pederson of the Natural Bridge Magisterial District spoke in favor of the expansion.

Chairman Higgins closed the public hearing at 6:03 p.m.

Supervisor Lewis spoke in favor of the expansion and spoke highly of the business.

Supervisor Hinty moved to adopt the ordinance granting a Special Exception Permit for expansion of Jellystone Park. Supervisor Ford provided the second, and the ordinance was adopted by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY, JANUARY 13, 2014

Ordinance Granting a Special Exception Permit to Heritage RV Resort of VA, LLC, for an Expanded and Improved Existing Campground at Jellystone Park, Developing Six Additional Cabin Sites and Forty-Two Additional Seasonal Sites, in the Agricultural Transitional District (A-T), Located in Natural Bridge Station and Identified as Tax Map #114-2-1B in the Natural Bridge Magisterial District

WHEREAS, Heritage RV Resort of Virginia, LLC, the applicant, is the owner and operator of a campground, known as Jellystone Park, on a 104.9-acre tract of land, designated as Tax Parcel #114-2-1B, lying on both sides of James River Road, approximately .75 mile east of its intersection with Arnolds Valley Road, in

the Natural Bridge Magisterial District of Rockbridge County, Virginia; and,

WHEREAS, prior to the 2008 County-wide rezoning, the campground was a permitted use, so no prior special exception permit has been required; and,

WHEREAS, the property is now within the Agricultural Transitional (AT) zoning district, and expansion of the campground requires a special exception permit; and,

WHEREAS, on June 25, 2013, the Board of Supervisors adopted an ordinance to grant a special exception permit for an expansion of the Jellystone Park Campground on the subject property; and,

WHEREAS, the owner has filed an application for an additional expansion and improvement project for the existing campground, to develop six (6) additional cabin sites and forty-two (42) additional seasonal sites; and,

WHEREAS, the Planning Commission held a public hearing on this application on November 13, 2013, and after further consideration on December 11, 2013, recommended approval with specified conditions to the Board of Supervisors; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on January 13, 2014; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

WHEREAS, the Board of Supervisors has given due consideration to the factors set forth in Section 802.03-5 of the Rockbridge County Land Regulations, for issuance of a special exception permit.

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

1. That the Board of Supervisors finds that the granting of a special exception permit to Heritage RV Resort of VA, LLC, also known as Yogi Bear's Jellystone Park, for an expanded and improved existing campground, to develop six (6) additional cabin sites and forty-two (42) additional seasonal sites, located in Natural Bridge Station, and identified on the Rockbridge County Land

Records as Tax Map #114-2-1B, in the Natural Bridge 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 with and subject to the following conditions:

(a) Substantial compliance with the site plans entitled 'Yogi Bear's Jellystone Park' dated/revised December 12, 2013, as submitted.

(b) Installation of 6' board fence, extending along the property line with Watkins (Tax Map #114-4-3-1B), as shown on the site plan dated December 12, 2013.

(c) Final approvals of Erosion and Sediment Control plans and from the Health Department.

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 13th day of January, 2014.

Recorded Vote:
AYES:
NAYES:
ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Rezoning Application- Mark and Sherry Cline- rezone from A-2 to B-1

Mr. Slaydon reviewed the agenda Item which included the following information: "The Clines have applied to rezone the Enchanted Castle property, consisting of 1.1 acres, from A-2 to B-1, as their current business is a non-conforming use in A-2 and they would like to make some improvements to the property. There are several business properties along this stretch of South Lee Highway in the A-2 district. The Planning Commission has recommended approval of this rezoning as consistent with the comprehensive plan and has asked staff to meet with other business owners in this area to discuss also rezoning to B-1."

Mr. Cline stated that his business was glad to be thriving in 2014.

Chairman Higgins opened the public hearing at 6:06 p.m.

Torben Pederson of the Natural Bridge Magisterial District spoke in favor of the rezoning application.

Chairman Higgins closed the public hearing at 6:07 p.m.

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

AYES: Hinty, Ford, Campbell, Lewis, Higgins
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, JANUARY 13, 2014

Ordinance to Change the Zoning Classification of a 1.1-acre Parcel of Land (Tax Map #106-33-D4) Owned by Mark Cline and Sherry Cline from Agricultural and General Uses District (A-2) to General Business District (B-1) for the Enchanted Castle Property Located Along the West Side of South Lee Highway Approximately .3 Miles South of Tinkerville Road in the Natural Bridge Magisterial District of Rockbridge County

WHEREAS, the Planning Commission held a public hearing on this matter on December 11, 2013, and recommended approval of the rezoning to the Board; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on January 13, 2014; and,

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

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

1. That the zoning classification of a 1.1-acre parcel of land (Tax Map #106-33-D4) owned by Mark Cline and Sherry Cline located along the west side of South Lee Highway approximately .3 miles south of Tinkerville Road in the Natural Bridge Magisterial District of Rockbridge County is hereby changed from Agricultural and General Uses District (A-2) to General Business District (B-1).

2. That this action is taken upon the application of the property owners, Mark Cline and Sherry Cline.

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 13th day of January, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

**Special Exception Permit- Rockbridge County Sheriff's Office- outdoor
Shooting Range in A-2**

Mr. Slaydon reviewed the Agenda Item which included the following information: " The Sheriff's Office has applied to develop an outdoor shooting range on the back of the landfill property in the A-2 district per Section 603.03-19 of the Land Development Regulations. Several Commission members visited the site and felt it was ideal for this use.

The only public comment expressed at their hearing was a neighbor's request that the range not be used by the general public. Accordingly the Planning Commission has recommended approval of this application with the following conditions: substantial compliance with the plan presented; and the range will not be open to the general public." Mr. Slaydon noted that it is not uncommon to have shooting ranges at landfills.

Sheriff Blalock mentioned that the Sheriff's Department has outgrown the old shooting range. He noted that there are approximately 80 individuals from several agencies who use the old shooting range.

Supervisor Lewis asked about the location of the old shooting range.

Sheriff Blalock indicated that Lexington City owns land on Brushy Hill, where training currently takes place.

Supervisor Ford asked if Lexington City has mentioned helping the County fund the shooting range at the Landfill.

Sheriff Blalock replied that the offer has been made but at this time there were no details as to cost sharing.

Chairman Higgins opened the public hearing at 6:11 p.m. There were no public comments. Chairman Higgins then closed the public hearing.

Supervisor Hinty moved to adopt the ordinance granting a Special Exception Permit for development of an outdoor shooting range at the County Landfill. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON MONDAY, JANUARY 13, 2014

**ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT TO THE ROCKBRIDGE
COUNTY SHERIFF'S OFFICE TO DEVELOP AN OUTDOOR SHOOTING RANGE IN THE
AGRICULTURAL AND GENERAL USES DISTRICT (A-2) LOCATED AT THE ROCKBRIDGE
COUNTY LANDFILL AT THE END OF LANDFILL ROAD (TAX MAP # 77-A-15 AND 77-A-16)
IN THE SOUTH RIVER MAGISTERIAL DISTRICT**

WHEREAS, the Rockbridge County Sheriff's Office has filed a petition for a special exception permit to develop an outdoor shooting range in the Agricultural and General Uses District (A-2) located at the Rockbridge County Landfill at the end of Landfill Road (Tax Map # 77-A-15 and 77-A-16), owned by the Rockbridge County Solid Waste Authority, in the South River Magisterial District of Rockbridge County; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on December 11, 2013, and recommended approval of the application for use by law enforcement personnel of the Rockbridge County Sheriff's Office and the Rockbridge Regional Jail, and potential future use by law enforcement personnel with the City of Lexington and/or the City of Buena Vista, subject to the condition that the outdoor shooting range not be open for use by the general public; and,

WHEREAS, legal notice has been provided in accordance with Va. Code §15.2-2204 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 January 13, 2014; and,

WHEREAS, the Board of Supervisors has given due consideration to the factors set forth in Section 802.03-5 of the Rockbridge County Land Regulations, for issuance of a special exception permit and finds that, with the specified conditions, 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 finds that the granting of a special exception permit to the Rockbridge County Sheriff's Office to develop and operate an outdoor shooting range for law enforcement personnel in the Sheriff's Office and the Rockbridge Regional Jail, with potential future use by law enforcement personnel with the City of Lexington and/or the City of Buena Vista, in the Agricultural and General Uses District (A-2) located at the Rockbridge County Landfill at the end of Landfill Road (Tax Map # 77-A-15 and 77-A-16) in the South River Magisterial District of Rockbridge County, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby approved subject to the following conditions:

(a) That the shooting range shall be developed in substantial compliance with the site plat, entitled 'Map Showing Rockbridge County Sheriff's Office Proposed Shooting Range', as submitted.

(b) That the outdoor shooting range shall not be open for use by the general public.

2. 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.

Adopted this 13th day of January, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Zoning Ordinance Amendment- Hulls Drive In- amending Section

706.05-4, Wall Signs

Mr. Slaydon reviewed the Agenda Item which includes the following information: "The enclosed text amendment to Section 706.05-4 is intended to allow the drive-in theater to use the back of their screen for wall signage purposes as is allowed for other commercial buildings in B-1. This will give them a better opportunity to identify themselves but will not be used for other advertising purposes. With an 80 foot wide screen, they would be allowed 80 square feet of signage. The Planning Commission has recommended approval of this amendment."

Chairman Higgins opened the public hearing at 6:15 p.m. There were no public comments. Chairman Higgins then closed the public hearing.

Supervisor Lewis spoke in favor of this amendment.

Supervisor Lewis moved to adopt the ordinance to amend Article 7 of the Land Development Regulations. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Lewis, Campbell, Ford, Hinty, Higgins
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,
JANUARY 13, 2014

Ordinance to Amend Article 7 – Use Regulations of the County of Rockbridge Land Development Regulations to Amend Section 706.05-4 to Allow for Identification Signage on the Back of Movie Screens

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

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on January 13, 2014; and,

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

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

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

1. That Section 706.05-4 – Wall Signs, of Article 7 – Use Regulations of the Rockbridge County Land Development Regulations be amended and reenacted as follows:

**ARTICLE 7
USE REGULATIONS**

706.00 SIGNS

706.05 The Following Signs Require a Building and Zoning Permit:

706.05-4 Wall Signs - individual businesses shall be allowed to attach signage to the building below the roof line. Each business shall be allowed one square foot of signage per linear foot of building frontage. Corner lots on public streets may calculate the frontage towards the two streets. The corresponding square footage shall be applied to the respective building fronts or as approved by the Planning Commission or TCO Review Board during site plan review. Individual businesses within a shopping center shall be considered to have frontage towards the primary parking area of the shopping center and signage shall be placed only on that corresponding wall or as approved by the Planning Commission or TCO Review Board during site plan review. Corner units within a shopping center may have an additional 30 square feet of signage on the wall facing a public street. Detached service station canopies shall be considered a separate building under this Section and shall be allowed thirty (30) square feet of signage attached to such canopy. Such signs may be illuminated with white lights only. Drive-In Movie Theater screens shall be considered a building in determining eligibility for wall signs.

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

Adopted this 13th day of January, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

**Annual Reports/Review of Natural Bridge Speedway and Natural Bridge
Dragstrip**

Director of Community Development Sam Crickenberger presented these reports, noting that a requirement of the permit includes submission of annual reports. There is one notable change: the Fitzgeralds, operators of the track, are now submitting the reports, although the Deacon combine still owns the facility.

There was no discussion.

Consideration of RANA Request

The Agenda Item included the following information, provided by Mr. Suter: "As you will recall, as part of the original design of the RANA project, \$52,000 of local funding was set aside as seed money to get RANA off the ground during the transition between construction and operations. In addition, the Board of Supervisors and the Lexington and Buena Vista City Councils previously agreed to provide RANA with a total of \$120,000 in additional start-up funds referred to as a "Bridge Loan". Repayment requirements of both loans are addressed in the Operations, Management and Lease Agreement adopted by the Board in August, 2013. Since taking over operation of the broadband network in September, RANA has been able to assess its cash flow generation and operational costs on a more detailed and accurate level. During that time, it has become apparent that two issues exist.

- 1) Potential subscribers (customers) for the network are not always willing to pay the initial capital costs of connection installation up-front.

2) Current cash flow projections from the existing and slowly growing customer base will not sustain the operations of the system.

As a result, and over the past several weeks, RANA representatives have approached the Board and Councils of the three partner localities with an additional request for funding. Specifically, RANA has requested two fund sources in the form of lines of credit - one line for operations (\$100,000) and the other in support of future connections (\$150,000). As presented by RANA, the plan would address the aforementioned issues in the following manner:

- 1) The operations line of credit (OLOC) would provide short term support for ongoing operations, until RANA becomes a self supporting, enterprise agency.
- 2) The connection line of credit (CLOC) would assist in bridging the barrier to building the customer base via addition of a capital supplement to the cost of initial connections to the network, spreading the customer's cost-of-connection over a three year period.

Details of the RANA request are shown in the attached document, which was submitted by RANA to each of the three partner localities. As presented below, the lines of credit requests are proposed (by RANA) to be divided among the localities along the same percentages as have been observed throughout the project:

Operating Line of Credit (OLOC) request limits - \$100,000

- a. Rockbridge County: \$55,000 (55%)
- b. Buena Vista: \$25,000 (25%)
- c. Lexington Share: \$20,000 (20%)

Connection Line of Credit (CLOC) request limits - \$150,000

- d. Rockbridge County: \$82,500 (55%)
- e. Buena Vista: \$37,500 (25%)
- f. Lexington: \$30,000 (20%)

Should the Board wish to honor RANA's request, it will be important to ensure that a loan agreement is in place, outlining specific parameters of the agreement. Staff recommends that these stipulations be added in the form of an addendum to the August, 2013, Operations, Management and Lease Agreement. Specific recommendations would include:

Accounting

The two lines of credit must be accounted for in discrete funds and shall not be comingled with other RANA funds. Should one locality opt to provide additional funds to RANA in the future, those funds shall be accounted for separately.

Applicability

The CLOC funds must directly benefit connection costs in the locality which provides the funding, i.e. given an \$82,500 CLOC contribution, Rockbridge County will be eligible for up to \$82,500 in support of connections within Rockbridge County proper.

Loan Repayment

- 1) Operating Line of Credit (OLOC)- Funds requested, up to maximum amounts for each locality as shown in section 1, must be repaid in accordance with the conditions set forth in Section 7 of the original agreement.

- 2) Connection Line of Credit - (CLOC) All other outstanding loans to localities are to be retired before repayment of the CLOC.

- 3) The outstanding balance of locality contributions will be repaid to localities in amounts equal to contributions, in the event that RANA transfers its role as operator of the network to any other entity. Should funding not be available for this purpose at the time of proposed transfer, the entity to which RANA's role is transferred must repay the full, outstanding balance of locality contributions in amounts equal to contributions of respective contributions, within 30 days of the transfer.

Draw Requests

Draw requests will be honored when the following conditions exist:

- 1) The request is in writing on a standardized form, in aggregate, with a copy remitted to each locality. For example, if RANA determines that \$10,000 is to be requested, the request will show each locality's share as per the percentages listed in Section 1. (Rockbridge - \$5,500, Buena Vista - \$2,500, Lexington - \$2,000).

- 2) The request specifies the type of draw (OLOC or CLOC).

- 3) The request includes a full accounting of all LOC funds previously requested and balances on the line of credit, for all three localities. The balance must not deviate from the cost-share percentages outlined in Section 1.

- 4) The draw request does not exceed the credit limit as outlined in Section 1.

Additional Requirements

- 1) RANA must provide each locality with a detailed advertizing and marketing budget for FY2014/15.

- 2) RANA agrees to build and maintain an operating reserve in the amount of not less than (TBD %) of annual net revenues. This requirement shall not be construed to release RANA from locality loan repayment, which shall be considered a bona fide operational cost. It is understood that the reserve will need to be built over time.

- 3) Monthly progress reports must be provided to RANA Board and directly to the three contributing localities."

Mr. Suter introduced Gregg Amonette and Scott Robertson, who provided a status report on the RANA project.

Mr. Amonette indicated that he had met individually with the Board of Supervisors regarding the request for a loan or line-of-credit for operation costs. He stated that the BTOP grant was a capital grant and that no operational costs were provided. He confirmed that revenue projections are conservative.

Supervisor Lewis shared his gratefulness for the fact that fiber had been extended via DSL cabinet connection to areas of the County which he didn't originally think could be reached.

Supervisor Ford noted that several of the county's fastest-growing businesses had signed up for service through RANA, including those run by Scott Sayre, Bobby Berkstresser, and Jim Fonner. He also mentioned RANA's willingness to work with groups of rural customers who are unable to connect to existing or planned DSL cabinets.

Supervisor Campbell requested that the Board postpone action on this agenda item until after a work session for further discussion.

Chairman Higgins requested that Mr. Hunt Riegel, RANA board member for the county, be present during Board Meetings that include any discussion on the RANA project. Chairman Higgins moved discussion of this agenda item until January 27, 2014 for a work session.

Consideration of Draft Stormwater Management Ordinance

Erosion and Sediment Technician Paul Owen introduced this item. He reviewed the Agenda Item which included the following information: "As reported at the Board's regular, December 9 meeting, the Erosion and Sediment Control division of the building department has been working on a draft Stormwater Ordinance for the County of Rockbridge in accordance with directives from the Commonwealth. As discussed on December 9th, the Department of Environmental Quality (DEQ) published a final draft template as a model for localities. The resultant, local draft is included in your agenda package. At this time I am delivering a copy of the preliminary draft of the Rockbridge County Stormwater Ordinance that is to be submitted to the DEQ on January 15, 2014. The suggested fee schedule will be added after proposals have been received for 3rd party plan review (currently advertized). In addition, and prior to final presentation to the Board for consideration of adoption (target date of April 14), the ordinance will be converted to standard Rockbridge County Code format. The project schedule is listed below:

- **December 9, 2013** - Update to the Board of Supervisors - **Complete**

- **December 17, 2013** - DEQ remits final draft of suggested ordinance to localities - **Complete**

- **January 13, 2014** - Draft ordinance presented to the Board of Supervisors.

- **January 15, 2014**- Delivery of the Rockbridge County VSMP Application package to DEQ for review. DEQ comments to be remitted within approximately 30 days.

- **February 15 - March 30, 2014** - Final staff review and amendment of the ordinance, after receipt of DEQ comments.

- **April 14, 2014** - Final plan and ordinance submitted to the Board of Supervisors for consideration of adoption.

- **April 16 and April 23** - Advertisement of ordinance

- **April 28** - Public hearing

- **May 15, 2014**- (target) submittal of final VSMP applications with adopted ordinance

- **June 13, 2014**- Deadline for DEQ approval of local VSMPs

- **July 1, 2014**- Plan implementation

Supervisor Ford asked Mr. Owen to further explain follow-up inspection fees.

Mr. Owen replied that those fees had not been discussed yet.

There was no further discussion and no action was necessary.

Update on Solid Waste Development Plan

Director of Solid Waste and Transportation Jeremy Garrett reviewed the agenda item, which included the following information: "The Board has previously expressed a desire to produce a study on current and future solid waste handling and disposal. As a result, a committee was formed consisting of the following members: Maj. Jenny DeHart, Staff Engineer - Virginia Military Institute; Capt. Larry Conner, Rockbridge County Sheriff's Office; Ronnie Campbell, Chairman of the Board of Supervisors (South River District); Rusty Ford, Supervisor (Kerrs Creek District); Spencer Suter, County Administrator; Jeremy Garrett, Director of Solid Waste & Transportation; and Tracy Shafer, Solid Waste & Recycling Coordinator. The committee has since developed a mission and the following goals:

- Overall reduction of waste in accordance with the 2008 zero waste resolution.
- Maximize recycling opportunities and increase recycling rates to exceed state mandated rates.
- Provide a comprehensive refuse collection plan.
- Maintain compliance while maximizing efficiency, protecting public investment, and continually assessing alternatives.
- Provide effective public education.

It has been determined by the committee that, in order to produce a comprehensive study which would be useful and actionable, an experienced firm or individual would need to be retained to assist. The committee has subsequently developed a scope of services that would allow us to meet our goals.

Considerations:

Staff and the committee feel that this work meets the non-professional services definition.

- Virginia Code section § 2.2-4303.C, states, "Upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination."
- Staff feels that, in order to ensure that we gain the best product for the County and to meet the goals of the committee and scope of services, we will be better served by issuing a Request for Proposals, rather than a Request for Bids. This recommendation is based on the fact that the County would be best served by soliciting the most qualified provider of services, rather than the lowest bidder. In addition, an experienced proposer may offer recommendations, alternatives or phases, with varied pricing, which may prove beneficial to the County.

Should the Board agree with staff and the committee, appropriate language will be added to the attached scope of services prior to issuance of an RFP."

Supervisor Ford moved to authorize issuance of a request for proposals for the services outlined in the attached scope of services, finding that an Invitation to Bid is neither practicable nor fiscally advantageous to the public for the reasons set forth above. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Staff Recommendation on Cardinal Report

Administrative Assistant for Community Development Brandy Flint provided the Board with an update confirming that Phase I Environmental Assessment quotes have been received.

Mr. Crickenberger noted that the main focus is Rockbridge Middle School.

Supervisor Lewis asked why the local Cardinal committee had not been asked for their opinion on the matter. He asked if the committee still exists.

Mr. Crickenberger indicated that he would be happy to bring the committee back together to discuss this matter.

After discussion, the Board agreed to instruct the local Cardinal Committee to meet again and subsequently bring their thoughts back to the Board during the February 24th work session.

Continued Discussion- Consideration of Tourism Zones

Mr. Crickenberger briefly reviewed the Ordinance. After brief discussion, the Board asked that the Office of Community Development keep the Board of Supervisors informed of any activity regarding the proposed zones.

Supervisor Lewis moved to adopt the Tourism Zones Ordinance as presented. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Lewis, Campbell, Ford, Hinty, Higgins
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,
JANUARY 13, 2014

**An Ordinance to Amend the Rockbridge County Code By Enacting a New Chapter
17—Planning, Zoning and Development, to Provide Regulations for Tourism
Zones**

BE IT ENACTED by the Rockbridge County Board of Supervisors that:

1. Chapter 17 – Planning, Zoning and Development is hereby enacted and adopted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 17

PLANNING, ZONING AND DEVELOPMENT

Art. I. Subdivision and Zoning, §§17-1--17-19

Art. II. Business Incentives, §§17-20--17-39

Div. 1. Tourism Zones, §§17-20--17-39

ARTICLE I. SUBDIVISION AND ZONING

Sec. 17-1. Rockbridge County Land Development Regulations.

The Rockbridge County Land Development Regulations, as may be from time to time amended by ordinance, are hereby incorporated as Appendix A to the Rockbridge County Code.

Sec. 17-2 – 17-19. Reserved.

ARTICLE II. BUSINESS INCENTIVES

DIVISION 1. TOURISM ZONES

Sec. 17-20. Definitions.

For purposes of this Article, the following words and phrases shall have the meanings subscribed below unless clearly indicated to the contrary:

Base year is defined as the calendar year preceding the calendar year in which the applicant submits the tourism zone program qualification application to DCD.

Business means any corporation, partnership, electing small business (subchapter S) corporation, limited-liability company, or sole proprietorship authorized to conduct business in the Commonwealth of Virginia.

The term "business" does not include organizations that are exempt from State income tax on all income except unrelated business taxable income as defined in the Internal Revenue Code, Section 512; nor does it include homeowners associations as defined in the Internal Revenue Code, Section 528.

Capital investment(s) means moneys used by a tourism business to purchase fixed assets and not moneys used for day-to-day operating expenses. Fixed assets owned by the tourism business that are moved into the tourism zone from another location within the County shall not be included in the calculation of capital investment(s).

County Code means the Code of the County of Rockbridge, Virginia, as amended.

DCD means the County's Department of Community Development.

Existing tourism business means a tourism business that was actively engaged in the conduct of trade or business in the County prior to the submission of a completed tourism zone program qualification application. A change in ownership of an existing tourism business will not change the status of the business as an existing business.

Fixed asset means long-lived tangible property owned by a tourism business that is used by the tourism business in the production of its income including real estate, plant, machinery and equipment.

Incentive period means a five-year period during which a qualified tourism business receives the benefit of tourism zone incentives.

Internal Revenue Code or IRC means the Internal Revenue Code of 1986, as amended, Title 26 of the United States Code.

New tourism business means a tourism business which has not been actively engaged in the conduct of trade or business in the County prior to the submission of a completed tourism zone program qualification application.

Qualified tourism business means a tourism business that has met the qualifications set forth in Section 17-24 and continues to meet such qualifications as required by this Article.

Tourism business means a business whose primary purpose is to establish a desirable destination to attract tourists from outside of the County or community and create an environment for those visitors that will deliver a memorable experience or promote educational opportunities while increasing travel-related revenue. A tourism business, in the context of this article, shall be one or more of the following categories of business:

- (i) artisan or hand-crafted trade center
- (ii) lodging establishment, including bed and breakfast or inn
- (iii) seated restaurant
- (iv) music center
- (v) outdoor recreational center or sporting goods businesses
- (vi) antique merchandising shop
- (vii) museums

Tourism zone means a specific geographic area or areas created pursuant to Chapter 38, Title 58.1 of the Code of Virginia (1950, as amended), to foster the development and expansion of tourism businesses in the County. The tourism zones shall be as shown on Appendix B to this article and as may be amended from time to time by subsequent ordinances.

Tourism zone program annual review application means an application to be completed annually, available from the DCD to renew and submit data in order to continue receiving incentive rebates pursuant to this article.

Tourism zone program qualification application means an application, available from the DCD, which is submitted by a tourism business seeking to qualify as a qualified tourism business in order to receive tourism zone incentives established by this article.

Year 1 means the calendar year in which the tourism business submits a tourism zone program annual review application to the Commissioner of Revenue on or before March 1st of that year and is qualified as a qualified tourism business in such year pursuant to the certification procedure described in this Article.

Sec. 17-21. Establishment of tourism zones.

Tourism zones are hereby established in the County in accordance with Chapter 38, Title 58.1 of the Code of Virginia (1950, as amended). The geographic boundaries of said zones are as set forth on the attached Appendix B-1 and Appendix B-2. The tourism zones shall include only those particular parcels, any portion of which is located within the tourism zone as determined by the County's geographic information system to be in a tourism zone.

Sec. 17-22. Eligibility.

A business seeking to submit a tourism zone program qualification application in order to obtain the benefits of the tourism zone incentives must be a tourism business. The business must serve the general public and not discriminate against any person based on race, religion, sex, age, disability, or national origin.

Sec. 17-23. Administration.

A tourism business seeking to obtain the benefits of the tourism zone will hold preliminary discussions with the DCD, prior to any investment, resulting in a letter from the tourism business describing the project and submittal of a completed tourism zone program qualification application.

The DCD will perform the initial review of the project to determine if the project meets the required criteria for certification as a qualified tourism business. If the initial review indicates that the certification requirements are met, DCD will forward the tourism zone program qualification application and a recommendation to the County Administrator. The County Administrator, acting as designee of the Board of Supervisors, shall review the tourism zone program qualification application and, in consultation with the County Attorney, make a final determination as to whether the tourism business meets the requirements of this Article for designation as a qualified tourism business, notification of which will be provided by the DCD.

In the event that the application is denied, the DCD shall notify the applicant in writing, which shall include the reasons for denial. The applicant shall have thirty (30) days to appeal the decision to the Board of Supervisors by written request for appeal submitted to the county administrator.

Sec. 17-24. Qualifications.

For a tourism business to be certified as a qualified tourism business the following qualifications must be met:

- (1) An existing tourism business must meet the following criteria:
 - (a) Provide additional capital investment, within the tourism zone, of at least two hundred fifty thousand dollars (\$250,000.00) over the base year; and,
 - (b) Create at least five (5) new full-time jobs at a rate of pay in excess of minimum wage.
- (2) A new tourism business must meet the following criteria:
 - (a) Provide new capital investment, within the tourism zone, of at least five hundred thousand dollars (\$500,000.00); and,
 - (b) Create at least ten (10) new full-time jobs at a rate of pay in excess of minimum wage.
- (3) Both existing tourism businesses and new tourism businesses must meet and maintain the minimum qualifying investment levels each year of the incentive period and must meet and maintain the job creation qualification during at least one-half (1/2) of each incentive year.
- (4) Qualified tourism businesses that have completed one (1) five-year incentive period may qualify for additional expansion incentives as an existing tourism business.
- (5) The applicant must present proof of use of the investment for tourism business purposes and demonstrate that the applicant is a tourism business as herein defined.

- (6) A qualified tourism business that has met the qualifications of this Article will become eligible to receive tourism zone incentives at such time as the qualified tourism business has commenced operations within the boundaries of the tourism zone.

Sec. 17-25. Incentives.

Qualified tourism businesses located within the boundaries of the tourism zone are afforded the following incentives:

- (1) Rebate on business, professional and occupational license tax imposed by the County pursuant to Section 19-21, et seq., in Article II, Chapter 19 of the County Code, in an amount equal to fifty percent (50%) of the tax paid by the qualified tourism business each year of the incentive period that is directly attributable to the qualified tourism business. For those qualified tourism businesses that are existing tourism businesses, rebates shall only be applicable to taxes assessed and paid on the portion of gross receipts directly attributable to the expansion of the business.
- (2) Priority consideration and review of all county permit applications.
- (3) Rebate on all county permitting fees for building and zoning, upon proof of payment, in an amount equal to fifty percent (50%) of the fees paid.

Nothing herein shall be construed as limiting the Board's power to grant additional incentives as may be permitted by law to tourism businesses on a case-by-case basis including, but not limited to, incentives granted pursuant to performance agreements and individualized arrangements with or without the involvement of the Rockbridge County Economic Development Authority.

Sec. 17-26. Incentive period.

Qualified tourism businesses shall receive the benefits of the tourism zone incentives for a period of five (5) calendar years (the "incentive period"), or until such time that the business no longer operates or qualifies as a qualified tourism business, whichever is the first to occur. If the business ceases to be a qualified tourism business or removes its operation from the tourism zone during a year in which the rebate applies,

the business shall not be qualified or receive the rebate for that year or thereafter.

Sec. 17-27. Certification procedure.

The following certification procedure applies to tourism businesses seeking to obtain the benefits of the tourism zone:

- (1) A tourism business must submit a tourism zone program qualification application to the DCD for certification as a qualified tourism business.
- (2) The DCD will review and verify that each applicant is in compliance with the tourism zone qualifications and follow the administration procedures outlined in Section 17-23 above.
- (3) After a tourism business has been certified as a qualified tourism business, it must annually submit a tourism zone program annual review application to the DCD on or before March first (1st) of each year of the incentive period, indicating the number of full time employees employed by the qualified tourism business, the amount of business, professional and occupational license tax paid by the qualified tourism business for the previous calendar year during the incentive period, and any other information as requested by the DCD for purposes of administering the tourism zone. Applications must be signed by an official representative of the qualified tourism business authorized to sign on its behalf. Applications received after March first (1st) will not be eligible to receive tourism zone incentives for that year.
- (4) An existing tourism business shall not qualify for tourism zone incentives by reorganizing or changing its form in a manner that does not alter the basis of the tourism business assets or result in a taxable event.
- (5) Any qualified tourism business that fails to pay in full any taxes imposed by the federal, state or local government, by the due date, will forfeit all tourism zone incentives for at least one (1) year and until the tax debt is satisfied.
- (6) Any qualified tourism business declaring bankruptcy during the incentive period is disqualified and the business will be ineligible to receive tourism zone incentives for the remainder of the incentive period.
- (7) Any tourism business that ceases to be a qualified tourism business, ceases to meet the minimum capital investment criteria, or removes its operation from the tourism zone during

any year of the incentive period, shall repay to the county the total amount of tourism zone incentives received. A tourism business must sign an agreement to this effect before receiving tourism zone incentives.

- (8) Any qualified tourism business that leaves the County to conduct business in another location within five (5) years of completing the incentive period, shall repay the County the total amount of tourism zone incentives received. A tourism business must sign an agreement to this effect before receiving tourism zone incentives.

Sec. 17-28. Special service districts not affected.

The establishment of the tourism zone shall not be construed to affect any provision or requirement of the County Code or State statute creating special service districts, including but not limited to the collection of special taxes.

Sec. 17-29. Land Development Regulations not affected.

This Article is an economic development incentive and is not a zoning change. Nothing herein shall be construed to affect any provision or requirement of the Rockbridge County Land Development Regulations.

Sec. 17-30. Nonwaiver.

Nothing in this Article shall not be construed to waive the requirement of any ordinance, regulation or policy of the County including, but not limited to, those ordinances, regulations and policies that require permits and approvals for land use and construction. Additionally, unless stated otherwise herein, nothing in this Article shall be construed as waiving the right of the County to enforce its ordinances, regulations or policies to collect any taxes, fees, fines, penalties, or interest imposed by law on a qualified tourism business or upon real or personal property owned or leased by a qualified tourism business. The County Administrator, acting as designee of the Board of Supervisors, in consultation with the County Attorney may remove qualified tourism business status from any business that is not compliant with any Article, regulation, policy or other legal requirement.

Sec. 17-31. Confidentiality.

To the extent permitted under the Virginia Freedom of Information Act, confidential business records will be safeguarded from disclosure.

Sec. 17-32. Education and promotion.

The DCD shall develop programs to educate the public and potential businesses of the benefits of the tourism zone.

Secs. 17-33--17-39. Reserved.

2. This Ordinance shall be effective on and from January 13, 2014.

Adopted this 13th day of January, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____

Chairman

Attest: _____

Spencer H. Suter, Clerk

[NOTE: Appendices B-1 and B-2 may be viewed online under Item VI of the supervisors' agenda for December 9, 2013]

Appointments

Finance Committee- annual appointments

Supervisor Campbell moved the reappointment of Spencer Suter, Steven Bolster, Rusty Ford, and John Higgins. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Buildings and Grounds Committee- annual appointments

Supervisor Campbell moved to reappoint Supervisor Lewis and Supervisor Hinty to the Board of Supervisors Building Committee. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Solid Waste Committee- annual appointments

Supervisor Hinty moved to reappoint Supervisor Ford and Supervisor Campbell to the Board of Supervisors Solid Waste Committee. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Rockbridge Regional Solid Waste Management Committee

Supervisor Campbell moved to appoint Spencer Suter, Jeremy Garrett, and Steven Bolster to the Rockbridge Regional Solid Waste Management Committee. A second was provided by Supervisor Ford, and the motion carried by unanimous roll call vote by the Board.

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

Staff Reports

Supervisor Lewis moved to accept the Staff Reports. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Board Comments

Supervisor Ford mentioned that he was asked to review the new County Website. He commended all staff who dedicated time in creation of the website. Mr. Suter commended Brandy Flint, Ron Argenbright and other staff who had worked so diligently on the website.

Supervisor Campbell also commended those who participated in creating the new website.

Adjourn

Supervisor Hinty moved to adjourn the meeting. Supervisor Campbell provided the second, and the meeting was unanimously adjourned.