

AT A JOINT WORK SESSION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY
AND THE CITY OF LEXINGTON VIRGINIA, HELD IN THE COUNTY ADMINISTRATION
BUILDING, 150 SOUTH MAIN STREET LEXINGTON, VIRGINIA,
ON MONDAY, MARCH 24, 2014, AT 4:30 P.M.

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

Call to Order

Chairman Higgins called the meeting to order at 4:30 P.M and welcomed all in attendance, including members of the Lexington City Council.

Presentation by the Virginia Horse Center

Former Lexington Mayor Buddy Derrick introduced the former and new Virginia Horse Center [VHC] Foundation President, Ernie Oare. Both of these gentlemen are long-term leaders at VHC, as Mr. Derrick was part of the original group of local businessmen that worked to bring VHC here in the 1980's. Mr. Oare is a Thoroughbred specialist and a former member of the Virginia Racing Commission. He remarked that his wife prefers hunter-jumpers and has often showed here. In the days before 2006, when there were two separate boards, he was a member of the private board - whose primary mission was fundraising. Mr. Oare stressed the need not only to get VHC's debt issues resolved, but also to begin addressing the roughly \$3 million VHC needs to devote to maintenance of its physical plant. He then introduced Glenn Petty, another Thoroughbred specialist who has been asked to consult on VHC business, and Tom Clarke, leader of the group that recently purchased the Natural Bridge.

Mr. Petty stated that VHC is his wife's favorite place to show horses, and a facility with the potential to attract top-flight events. He also spoke to the impact of the USDA debt payment on VHC's cash flow. With regard to recruiting new management to VHC, he suggested that Mr. John Nicholson be asked to consult, once he has retired from his current job running the Kentucky Horse Park, on April 30. He also mentioned Ms. Mary Phelps as a possible consultant; she is a national leader in equine marketing and insurance. He promised a "very different approach to transparency".

Mr. Clarke thanked current VHC board members for their personal commitment to keeping VHC alive in tough times. He stressed that "we're all in this together," noting that the Natural Bridge and VHC are the twin hubs of Rockbridge tourism. The success of each depends on the other. His estimate was that over 50,000 horses visit VHC each year, with probably four times that many humans who add significantly to the local economy. Local government, too, must play a part in the implementation of a "viable business plan" for VHC. He closed by reminding the group that the governments of the Roanoke Valley all donate a full 8% of lodging receipts to their regional tourism entity.

Mr. Oare and Mr. Derrick returned to the podium, and each stressed the importance of including local representatives to the VHC board, and of opening VHC's books to public inspection.

Chairman Higgins called for questions. Chuck Smith of Lexington asked about the agenda for an announced meeting with USDA on the possibility of easing terms of the loan. Mr. Oare responded that this was just a

preliminary consult with Representative Goodlatte.

George Pryde of Lexington asked whether VHC would still need additional funding from the localities if USDA reduced the annual payment. Mr. Derrick expressed his view that the additional funds should be used to establish a "capital reserve" to address other VHC debt and maintenance needs. Mr. Pryde also suggested that members of a proposed VHC "Blue Ribbon Task Force" be included in the selection process for a new executive director.

Frank Friedman of Lexington expressed his gratitude to the VHC representatives for their engagement. He asked whether VHC had enough cash to complete its 2014 season. Mr. Oare responded in the affirmative.

The work session concluded at 5:15 P.M. and the Board took a brief break before moving on to the regularly scheduled meeting at 5:30 P.M.

150 SOUTH MAIN STREET LEXINGTON, VIRGINIA,
ON MONDAY, MARCH 24, 2014, AT 5:30 P.M.

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

Call to Order

Chairman Higgins called the meeting to order at 5:34 p.m.

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

Recognitions/Presentations

County Administrator Spencer Suter recognized Robert Foresman, who was named Emergency Management Professional of the Year at the annual Virginia Emergency Management Association (VEMA) Conference.

The Board of Supervisors congratulated Mr. Foresman.

Citizens Comments

Chairman Higgins called for citizens comments. There were none.

Items to be added to the Agenda

Chairman Higgins called for items to be added to the Agenda.

Mr. Suter requested addition of an Outdoor Event Application.

Supervisor Campbell requested addition of an informational item under "Board Comments".

Approval of March 10, 2014 Minutes

Supervisor Campbell moved to approve the March 10, 2014 Minutes.

Supervisor Ford provided the second, and the minutes were approved by unanimous roll call by the Board.

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

Presentation by Davenport

Director of Finance, Steven Bolster, introduced Joe Mason, Senior Vice President, and Associate Vice President Phil Weisshaar of Davenport and Associates, the County's financial advisor.

Mr. Mason presented a review of the County's financial position and recommendations on creation of financial policy guidelines. He briefly reviewed each of the following topics via power point:

- Key characteristics that constitute a highly regarded, credit-worthy locality

- o Conservative Budgeting
 - o Maintaining Strong Reserves
 - o Debt Management
 - o Multi-year Capital Planning
- Establishment of a geographic and demographic peer comparative group for Rockbridge County ("the County") to provide context for the analysis
 - The County's historical financial results and assessed value trends
 - The County's fund balance levels and methodology for calculating reserves
 - The County's current outstanding debt

Mr. Weisshaar briefly reviewed the following objectives via power point:

- The County's debt capacity and debt affordability
- Upcoming borrowing plans and the impact on debt capacity and affordability

Mr. Mason closed out the presentation by reviewing the next steps, in particular the County's consideration of formally adopting Financial Policy Guidelines. In response to a question from Supervisor Ford, Mr. Mason suggested that adopting clear and consistent guidelines would significantly aid any efforts made by the County to secure a favorable bond rating.

Mr. Suter thanked Mr. Mason and Mr. Weisshaar for their attendance and presentation noting that the presentation shows the impact of debt services.

Public Hearings

Virginia Electric and Power Company- Special Exception Permit in A-2

Supervisor Hinty read aloud the following Disclosure Statement: "I abstain from all matters, discussion, or voting related to the application of Virginia Electric and Power Company, doing business as Dominion Virginia Power, for a special exception permit for a substation expansion, and my disclosure statement required under Virginia Code §2.2-3115(E) is on file with the Clerk to the Board of Supervisors." He then left the dais.

Assistant Director of Community Development, Chris Slaydon, reviewed the Agenda Item: "Dominion Power (Virginia Electric and Power Company) has applied for a special exception permit to expand a substation in the Agricultural and General Uses (A-2) District per Section 603.03-9 of the Regulations. This substation is located off Turkey Hill Road. The Planning Commission has recommended approval of this special exception application, conditioned upon substantial compliance with the plan presented and continuing the landscaping along the Hale property line as further described in the ordinance." Mr. Slaydon showed the location of property using the County's GIS.

Mr. Stefan Brooks with Dominion Virginia Power reviewed the location again and the proposed layout.

Chairman Higgins opened the public hearing at 6:32 p.m. There were no comments. Chairman Higgins closed the public hearing at 6:32 p.m.

Supervisor Campbell moved to adopt the ordinance granting a special exception permit for expansion of the existing substation. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF
ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY
ADMINISTRATION CENTER ON MONDAY, MARCH 24, 2014

Ordinance Granting A Special Exception Permit To Virginia Electric and Power Company, d/b/a Dominion Virginia Power, for Expansion of Its Existing Substation in the Agricultural and General Uses District (A-2), Located off of the East Side of Turkey Hill Road (Tax Map #48-A-59) in the Kerrs Creek Magisterial District

WHEREAS, Virginia Electric and Power Company, d/b/a Dominion Virginia Power, (“VEPCO”) is the owner of a 17.59-acre parcel of land (Tax Map #48-A-59) located on the east side of Turkey Hill Road, approximately .35 mile north of Lindsay Lane, in the Kerrs Creek Magisterial District of Rockbridge County, Virginia; and,

WHEREAS, has applied for a special exception permit to add a 530’ x 50’ site expansion to the north of the existing substation on said parcel, for the addition of new substation equipment and to improve electrical service to the surrounding area; and,

WHEREAS, the existing substation was constructed and has been continuously operated since prior to adoption of the Land Development Regulations in Rockbridge County; and,

WHEREAS, the property is located in the Agricultural and General Uses District (A-2) and the proposed expanded use requires a special exception permit in accordance with Section 603.03-9 of the Rockbridge County Land Development Regulations; and,

WHEREAS, the Planning Commission reviewed this application, following public hearing, on March 12, 2014, and has recommended approval of the special exception permit, subject to the specified conditions; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing in this matter on March 24, 2014; and,

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

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

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

1. That the Board of Supervisors finds that the granting of a special exception permit in the Agricultural and General Uses District (A-2) to Virginia Electric and Power Company for a 530' x 50' expansion to the north of the existing substation, located on the east side of Turkey Hill Road, and identified upon the Rockbridge County Land Records as Tax Map #48-A-59, in the Kerrs Creek Magisterial District, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended) and said special exception permit is hereby granted and approved, with and subject to the following conditions:

- a. Substantial compliance with the Project Detail and site plan, dated January 17, 2014, as submitted.
- b. Screening of the expansion area along the Hale property line (Tax Parcel #48-A-60, 61 & 62) with approximately ten (10) 5'-6' tall Leyland Cypress trees planted approximately 20 feet off the fence, 15 feet on center in a staggered row.

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 ____ day of March, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

AKB Development- Rezoning from B-2 to R-2

Mr. Slaydon reviewed the Agenda Item which included the following information: "AKB Development has applied to conditionally rezone 17.26 acres from Planned Business (B-2) to Residential Mixed (R-2). The Saddlebrook Ridge property was originally designed in the late 1980's as a planned unit development. They used our existing zoning to create a commercial core with a residential fringe, based on the idea that the residential could support local commercial. The property was marketed for about twenty years prior to AKB's acquisition. The current owners do not see success in that model and would like to continue with single-family development. The proposed concept plan includes 36 single-family lots in this core area. The Planning Commission has recommended approval of the conditional rezoning and acceptance of the proffers." Mr. Slaydon showed the location of property using the County's GIS.

Mr. Brasil Hamrick, present to answer questions, requested approval by the Board to continue with single-family developments.

Chairman Higgins opened the public hearing at 6:36 p.m. There were no comments. Chairman Higgins closed the public hearing at 6:37 p.m.

Supervisor Lewis moved to adopt the ordinance to rezone the land from B-2 to R-2. 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 ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, MARCH 24, 2014

Ordinance to Change the Zoning Classification of a 17.264-acre Parcel of Land (Tax Map No. 62C-3-A) Owned By AKB Development, LLC, Located Within Thoroughbred Circle Off of Valley Pike Road in the Walkers Creek Magisterial District of Rockbridge County, from Planned Business District (B-2) to Residential Mixed District (R-2), With Conditions

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on March 12, 2014, 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 March 24, 2014; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject 17.264-acre parcel of land would promote the health, safety, convenience and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

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

1. That the zoning classification of a certain parcel of real estate containing 17.264 acres, identified upon the Rockbridge County Land Records as Tax Map No. 62C-3-A, located within Thoroughbred Circle off of Valley Pike Road in the Walkers Creek Magisterial District of Rockbridge County, and shown on a 'Rezoning Concept Plan' dated January 21, 2014, prepared by Hamrick Engineering, P.C., a copy of which is attached hereto as Exhibit A and incorporated herein, is hereby changed from the zoning classification of Planned Business District (B-2) to Residential Mixed District (R-2), with and subject to the 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 of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owner, AKB DEVELOPMENT, 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 ____ day of March, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Maxmark Homes (The Pinnacle, Phase II) - Conditional Rezoning from R-1 to R-2

Mr. Slaydon introduced Russ Orrison, who was representing the applicants. Mr. Slaydon briefly reviewed the Agenda Item informing the Board that Maxmark Homes LLC has applied to conditionally rezone the Pinnacle Phase II property with proffers in order to develop more units than originally planned. The original plan showed 28 units in four separate buildings in an R-1 zoning district. In 2008, the R-2 district was created for multi-family development. Since the project is proposed to be expanded, it needs to both be rezoned and the existing proffer that "it be developed in substantial compliance with the plan presented" needs to be amended. The new plan shows 38 units in six separate buildings.

Chairman Higgins opened the public hearing at 6:39 p.m. There were no comments. Chairman Higgins closed the public hearing at 6:40 p.m.

Mr. Orrison presented the original used for the previous rezoning and the current plans being presented.

Supervisor Lewis expressed concerns about the building layout and adequacy of landscaping. He was also concerned about the lack of landscaping on Phase I.

Supervisor Ford agreed with Supervisor Lewis and discussed the need to improve the screening from Jackson Heights Subdivision and other affected neighbors.

Supervisor Campbell moved to adopt the ordinance for a conditional rezoning from R-1 to R-2. Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Campbell, Hinty, 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 ADMINISTRATIVE
OFFICES ON MONDAY, MARCH 24, 2014

ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF 3.16 ACRES OF LAND (TAX MAP #62B-3-2-6; #62B-3-2-7; #62B-3-2-8; #62B-3-2-9; and #62-A-42F) OWNED BY MAXMARK HOMES, L.L.C., LOCATED ALONG THE WEST SIDE OF NORTH LEE HIGHWAY APPROXIMATELY .75 MILES NORTH OF ITS INTERSECTION WITH MAURY RIVER ROAD IN THE WALKERS CREEK MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY, FROM RESIDENTIAL GENERAL (R-1) TO RESIDENTIAL MIXED (R-2), WITH PROFFERED CONDITIONS, TO COMPLETE AND EXPAND THE MULTI-FAMILY HOUSING PROJECT KNOWN AS THE PINNACLE, SECTION 2B

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on March 12, 2014, 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 March 24, 2014; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject 3.16 acres 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, including but not limited to promoting the creation and preservation of affordable housing suitable for meeting the current and future needs of the County.

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

1. That the zoning classification of certain parcels of real estate containing 3.16 acres, identified upon the Rockbridge County Land Records as Tax Map #62B-3-2-6; #62B-3-2-7; #62B-3-2-8; #62B-3-2-9; and #62-A-42F, located along the west side of North Lee Highway approximately .75 miles north of its intersection with Maury River Road in the Walkers Creek Magisterial District of Rockbridge County, from Residential General (R-1) to Residential Mixed (R-2), with proffered conditions, to complete and expand the multi-family housing project known as The Pinnacle, as shown on a Concept Development Plan dated February 18, 2014, entitled 'The Pinnacle, Section 2B', a copy of which is attached hereto as Exhibit A and incorporated herein, is hereby changed from the zoning classification of R-1, Residential General District, to R-2, Residential Mixed District, with and subject to the conditions voluntarily proffered in writing, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the contract purchaser, Max Mark Homes, 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 _____ day of March, 2014.

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Eric and Jamie Spencer- rezoning from R-1 to A-2

Mr. Slaydon explained that this item and the next item, entitled "Kingfisher Land, LLC.- rezoning from R-1 to A-2" are similar and share the same Agenda Item in the Board's packets. Mr. and Mrs. Spencer have applied to rezone their properties next to the Meadows at Woods Creek Subdivision from Residential General (R-1) to Agricultural and General Uses (A-2) in order to continue farming the property and qualify for land use taxation. One parcel, held by Kingfisher Land LLC, consists of 65 acres and is in pasture with no improvements. The second parcel, held by Eric and Jamie Spencer, consists of 14 acres and includes their home site and a barn. Approximately 13 acres is in pasture. The current total tax liability on these properties is \$14,908.88, including the values for land and improvements. Under the land use program, the total tax liability would be \$4,704. Given the changes in the real estate market over the last few years and the current ample inventory of undeveloped lots, the Spencers do not plan to continue the development of this area. As a reminder, this property has been zoned residential since the County adopted zoning in the late 1970's. The residential zone extended to Union Run. In 2004 the County conducted a joint study with the City of Lexington to look at the extensive residential zoning in this area and its potential

impact on the City in terms of traffic, stormwater and infrastructure demands. As a result, the County initiated a downzoning to alleviate this growing impact on the City of Lexington and the potential infrastructure costs for both parties. The subject property was not included in the downzoning as it was considered a viable growth area at the time. Following that decision, in 2006, the City of Lexington imposed a moratorium on new sewer connections as a result of issues with their current sewer capacity. They will allow connections to platted lots, but not to new lots created after that date. The Planning Commission has recommended approval of this rezoning.

Mr. Orrison confirmed that Mr. Spencer currently uses the property for agriculture.

Chairman Higgins opened the public hearing at 6:51 p.m. There were no comments. Chairman Higgins closed the public hearing.

Chairman Higgins and Supervisor Campbell both noted that they visited the property and agree that it is being used as agricultural.

Supervisor Lewis moved to adopt the resolution changing the zoning classification of a 14.01 acre parcel of land owned by Eric and Jamie Spencer from R-1 to A-2. 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

Ordinance to Change the Zoning Classification of a 14.01-acre Parcel of Land (Tax Map #74-A-56C) Owned by Eric and Jaime Spencer, from Residential General District (R-1) to Agricultural and General Uses District (A-2) Located Adjacent to Meadowview Subdivision off of Woods Edge Drive in the Buffalo Magisterial District of Rockbridge County

WHEREAS, Eric and Jaime Spencer are the owners of a parcel of land, consisting of 14.01 acres, located adjacent to Meadowview Subdivision off of Woods Edge Drive in the Buffalo Magisterial District of Rockbridge County, Virginia, and identified upon the Rockbridge County Land Records as Tax Map #74-A-56C; and,

WHEREAS, the Spencers have applied for rezoning of the subject property from a Residential General District (R-1) to Agricultural and General Uses District (A-2) to continue agricultural use of the property, rather than proceed with high density residential development since sewer connections to the City of Lexington's system are no longer permitted; and,

WHEREAS, the Planning Commission held a public hearing on this matter on March 12, 2014, and recommended approval of the application 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 March 24, 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, and has further determined that the change in circumstances with regard to the lack of further availability to public sewer connections in the area warrants a less intensive zoning classification.

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

1. That the zoning classification of a 14.01-acre parcel of land (Tax Map #74-A-56C) owned by Eric and Jaime Spencer, located off of Woods Edge Drive in the Buffalo Magisterial District of Rockbridge County, is hereby changed from Residential General District (R-1) to Agricultural and General Uses District (A-2).

2. That this action is taken upon the application of the property owners, Eric and Jaime Spencer.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinance 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 ____ day of March, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Kingfisher Land, LLC. - Rezoning from R-1 to A-2

Chairman Higgins opened the public hearing at 6:53 p.m. There were no comments. Chairman Higgins closed the public hearing.

Supervisor Campbell moved to adopt the ordinance to change zoning classification of a 65.65 acre parcel of land owned by Kingfisher Land, LLC, from R-1 to A-2. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, MARCH 24, 2014

Ordinance to Change the Zoning Classification of a 65.65-acre Parcel of Land (Tax Map #74-A-49A) Owned by Kingfisher Land, LLC, from Residential General District (R-1) to Agricultural and General Uses District (A-2) Located Adjacent to Meadowview Subdivision off of Woods Edge Drive in the Buffalo Magisterial District of Rockbridge County

WHEREAS, Kingfisher Land, LLC, is the owner of a tract of land, consisting of 65.65 acres, located adjacent to Meadowview Subdivision off of Woods Edge Drive in the Buffalo Magisterial District of Rockbridge County, Virginia, and identified upon the Rockbridge County Land Records as Tax Map #74-A-49A; and,

WHEREAS, Kingfisher Land, LLC, has applied for rezoning of the subject property from a Residential General District (R-1) to Agricultural and General Uses District (A-2) to continue agricultural use of the property, rather than proceed with high density residential development since sewer connections to the City of Lexington's system are no longer permitted; and,

WHEREAS, the Planning Commission held a public hearing on this matter on March 12, 2014, and recommended approval of the application 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 March 24, 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, and has further determined that the change in circumstances with regard to the lack of further availability to public sewer connections in the area warrants a less intensive zoning classification.

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

1. That the zoning classification of a 65.65-acre tract of land (Tax Map #74-A-49A) owned by Kingfisher Land, LLC, located off of Woods Edge Drive in the Buffalo Magisterial District of Rockbridge County is hereby changed from Residential General District (R-1) to Agricultural and General Uses District (A-2).
2. That this action is taken upon the application of the property owner, Kingfisher Land, LLC.
3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinance 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 ____ day of March, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Approval of updated Personnel Policy Manual

Mr. Suter explained that the final draft Personnel Policy Manual includes mark-ups of additional changes and amendments since the Board reviewed it last on March 10th. He expressed appreciation to the Personnel Policy Manual Review Team for their efforts, including Chris Slaydon, Julie Whitesell, John Martin, Jeremy Garrett, Chairman Higgins, and Supervisor Campbell. He noted that the new policy would have an effective date of June 1, 2014.

Chairman Higgins commended staff for their hard work in completion of updating the policy. He asked that it be looked at each year to see if any updates are necessary.

Supervisor Campbell commended staff and asked that a change be made under the meals and lodging section of the policy. The draft policy read: "Meals will not be reimbursed for routine daily travel, ordinarily within one hour's drive of the work site". He asked that it be changed to read: "Meals will not be reimbursed for routine daily travel within the County."

The Board agreed with Supervisor Campbell's amendment.

Supervisor Ford commended Mr. Suter for completion of the project, noting that it had been a priority task assigned upon the arrival of each of Mr. Suter's last two predecessors as County Administrator.

Supervisor Campbell moved to adopt the updated Personnel Policy Manual, including the amendment to meals and lodging. 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

Informational- ABC Laws and County Business

County Attorney Vickie Huffman stated that Virginia Code section 4.1-129 provides that the governing body of each county may adopt an ordinance to prohibit the sale of wine and beer, or both, between the hours of noon on each Saturday and 6:00 a.m. on each Monday, or fixing hours within such period during which wine or beer, or both, may be sold. She stated that Rockbridge County has adopted an ordinance to prohibit the sale of beer or wine between the hours of 12:00 midnight on Saturday nights and 12:00 noon on Sundays, within the boundaries of Rockbridge County. She clarified that the proposed ordinance would repeal the County Code provisions and remove restrictions entirely.

Supervisor Lewis asked why this was being brought to the Board's attention.

Supervisor Campbell explained that during the previous Board Meeting he had asked Ms. Huffman to research ABC Laws, due to complaints of citizens in his district regarding selling alcohol during restricted times.

Supervisor Campbell moved to schedule a public hearing on the ordinance repealing the County Code provisions and remove the restrictions. Supervisor Lewis provided the second, and a public hearing was scheduled for April 14, 2014.

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

Items Added to the Agenda

Mr. Suter explained that he had received an Outdoor Event Application just before the meeting. He stated that the application is for the annual Bull and Oyster Fest at Devils Backbone Brewery, to be held on April 5, 2014.

Supervisor Lewis moved to approve the Outdoor Event Application. 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

Consideration of Radio System Contract and Agreement

Mr. Suter advised that the Regional Communications Board had been working for several months to reach a final agreement with Harris Communications on a regional radio system and have agreed on a final set of contract documents, which are a part of a larger arrangement involving all three localities and also VMI. Mr. Suter quickly revisited the history of the project, sharing that the current system is a UHF, non-simulcast analog system cobbled together from the three localities. He stated that the localities have been talking for years about doing upgrades following

a 2008 study by Federal Engineering which indicated that the County has approximately 30% portable radio coverage. In 2012, the system was narrowbanded to meet an impending federal mandate. Estimates to achieve the current proposal from earlier studies were in the \$25M range. The Rockbridge Regional Communications Center Management Board then published an RFP in the fall of 2012. The proposals received included a variety of options ranging from an analog system to a fully FCC compliant P25, phase 2 digital trunked system. Mr. Suter noted that, at this time, there is no existing federal mandate the has not been complied with; however, all indications point to future FCC mandates; it is clear at this time that no grant funding is available for non-P25 compliant or capable analog systems. Since an analog system would likely have to be upgraded again in the relatively near future, the Regional Board opted to ask for a best and final offer from the proposers for the higher grade system.

Mr. Suter explained that Harris Communications was selected as the top vendor in November, and all three localities endorsed the selection. Last spring the Sheriff's Department dispatch was consolidated into the Regional 911 system, and an agreement was met on a cost sharing mechanism for the radio system upgrade. He explained that, since November, he has been negotiating with Harris to achieve the best possible regional outcome. He then addressed the concerns that have arisen during the negotiations. The first concern was about costs: each locality is concerned about the cost and how it will affect their budgets. He explained that final costs came in just under \$10 million. He noted that he has worked with Harris to reduce the cost of the system by \$1 million, by removing the Irish Creek site and reducing the number of mobile

repeaters by 50%; eventually that site might be added by finding savings in other areas of the contract. He further noted that he hopes to be able to add back some or all of the repeaters via grants. Mr. Suter introduced Wayne Duff of Harris Communications who was present to answer questions; there were none.

The second concern was feasibility of design. Some of the towers proposed were not feasible, based on current loading and planned additions from the design. Negotiation with Harris resulted in a scenario which provides 60 days to exit the contract for any reason with no fault or cost. Mr. Suter explained that, during this time, Harris must procure letters of intent from the owners of towers stating the intention to allow necessary equipment to be installed in accordance with the design. If there are additional costs, they will be listed so that the ultimate decision to move ahead will be based in fact and reality.

The third concern was user trepidation. As reported to the Board previously, Mr. Suter explained that he organized a trip to Pittsylvania County to see a very similar system in operation. This system is a 700 MHz - 8 site digital trunked system, while the County's will be a 450 MHz- 7 site system. He noted that representatives from Walkers Creek, Goshen, Kerrs Creek, and Rockbridge Baths attended as well as the Sheriff, Buena Vista Chief of Police, 911 Technician Kim Arbaugh, Director of Fire and EMS Craig Bryant, and himself. He stated that the proposed design predicts 71% portable coverage and guarantees 93% mobile coverage, and that the main concern is the removal of ½ of the vehicle repeaters and the Irish Creek site.

Mr. Suter then reviewed the costs broken down into three agreements: the infrastructure for \$4,753,511; the radios/repeaters/base stations for \$2,686,618; and the long-term maintenance (years 4 - 7) for \$1,241,287. He noted that a 10% contingency (\$475,351) was included in the infrastructure costs, bringing the total financed cost to \$7,915,480. Additionally, long-term maintenance would need to be covered via operational contributions of the participating localities/users.

He explained that, as previously reported, Rockbridge County will be the financing agent if the project is approved. The County is currently working on financing through PNC Bank to finalize arrangements on two loans. The first loan is for the infrastructure, with two draws over the term of the installation. The second will be for the radios, with no funds drawn until near the end of the project. The County has 60 days to secure financing. He then noted that the full system and radios will be warranted for three (3) years after system acceptance. He pointed out that, in order to ensure that the County and Cities are going into this with all eyes open, maintenance costs for years 4-10 are provided for in the third and final contract; cost to the center would be \$230,946 in each of those years. Included is a substantial cost for generator maintenance which Harris has agreed to remove, should the localities be able to procure services at a more favorable rate. Mr. Suter stressed that in some years, the combined costs of debt service and maintenance would total as much as \$750,000 a year. He confirmed that the two cities approved the interjurisdictional agreement enabling entry into the contract during previous meetings and he recommended approval by the Board.

Chairman Higgins stated that this is the time to make the upgrade and should there be no upgrade and a problem occurs with the current system it could cost as much as \$4 or \$5 million to fix.

Supervisor Ford shared his concerns over radio "shadows" throughout the Kerrs Creek District and on the Westernmost stretch of I-64 that he expected to be resolved by the new system.

Mr. Suter displayed a coverage map showing mobile radio coverage via multimedia. He explained that the placement of towers had been optimized to help ensure that as many areas of the County would be covered as possible.

Supervisor Ford asked who will be buying the radios.

Mr. Suter replied that the County will own all radios until the loans are paid off, since the County is providing the financing. He noted that, upon retirement of the debt, ownership would transfer to the Regional Communications Board.

Chairman Higgins noted that there is an application he can download on his cell phone that enables him to channel in to a conversation and speak to his staff just the same as if it were a radio.

Mr. Suter noted that during negotiations he asked for and received additional application licenses.

Supervisor Lewis brought to the Board's attention that several citizens have contacted him with concerns about the cost for the upgrade. These citizens have stated that taxpayers cannot afford to have this upgrade right now and that the County can manage and make do with what

they currently have until a later date.

Supervisor Campbell moved to approve the resolution allowing for execution of an inter-jurisdictional supplemental agreement with Central Dispatch for radio system upgrade. Supervisor Ford provided the second, and the resolution was approved by unanimous roll call vote by the Board.

AYES: Campbell, Ford, Lewis, 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, MARCH 24, 2014

RESOLUTION TO APPROVE AND AUTHORIZE EXECUTION OF INTER-JURISDICTIONAL SUPPLEMENTAL AGREEMENT WITH CENTRAL DISPATCH FOR RADIO SYSTEM UPGRADE, APPROVE CONTRACT DOCUMENTS WITH HARRIS COMMUNICATIONS, NAMELY THE SYSTEM PURCHASE AGREEMENT, THE SUBSCRIBER AGREEMENT AND THE SYSTEM MAINTENANCE AGREEMENT, AND APPROVE PROCEEDING WITH NECESSARY STEPS TO OBTAIN LEASE-PURCHASE FINANCING FOR INFRASTRUCTURE AND RADIO PURCHASES

WHEREAS, the CITY OF BUENA VISTA ("Buena Vista"), the CITY OF LEXINGTON ("Lexington"), and the COUNTY OF ROCKBRIDGE ("Rockbridge"), herein collectively referred to as the "Jurisdictions", have entered into the Rockbridge Regional Central Dispatch Agreement with an effective date of May 1, 2013 (the "2013 Agreement"), to further consolidate law enforcement, fire, rescue and other emergency services into the Rockbridge Regional Public Safety Communications Center (the "Center"); and,

WHEREAS, in Section 4(c) of the 2013 Agreement, the Jurisdictions agreed to a plan for sharing the total cost of the Center's proposed Radio System Upgrade; and,

WHEREAS, the Center issued a Request for Proposals ("RFP") on December 28, 2012, for a radio communications system and services as set forth therein; and,

WHEREAS, Harris Corporation, a Delaware corporation, acting through its RF Communications Division ("Harris Communications") delivered a proposal to provide the radio communication system and services requested by the Center in the RFP; and,

WHEREAS, the Center issued a Request for Best and Final Offer (“BAFO”), dated August 29, 2013, and Harris Communications submitted its BARO, dated September 13, 2013; and,

WHEREAS, the Center selected the Harris Communications’ proposal and BAFO as the top ranked proposal, and recommended Harris Communications to the Jurisdictions for negotiation of a contract for the Radio System Upgrade (the “Upgrade”); and,

WHEREAS, upon approval from the Jurisdictions, the Center has negotiated with Harris Communications to reach three separate contracts for the Upgrade, and the Center has recommended to each of the Jurisdictions that the following agreements be approved: (i) the System Purchase Agreement dated March 25, 2014, for the system infrastructure; (ii) the Subscriber Agreement dated March 25, 2014, for the system radios; and (iii) the System Maintenance Agreement dated March 25, 2014, for maintenance of the radio system over a ten year period; and,

WHEREAS, because Rockbridge will be responsible for the majority of the costs associated with the Upgrade, Rockbridge expressed its willingness to finance the Upgrade, through two (2) lease-purchase agreements: one, herein referred to as the “Infrastructure Financing”, consisting of the equipment, facilities, construction and installations for the radio system as provided in the System Purchase Agreement, in the approximate amount of \$4,753,511.68, plus a ten percent (10%) contingency of \$475,351.00, for a total not to exceed of \$5,228,862.68; and a second, herein referred to as the “Terminal Hardware Financing”, for the purchase and installation of the radios for the end-users of the system as provided in the Subscriber Agreement, in the approximate amount of, and not to exceed, \$2,686,617.87, collectively referred to herein as the “lease-purchase agreements”; and,

WHEREAS, staff has negotiated with the Center and other Jurisdictions to reach a Supplemental Agreement for the Radio System Upgrade dated March 25, 2014, to supplement the provisions of Section 4(c) of the 2013 Agreement by providing for the payment arrangements of the proportionate shares of the Upgrade by the Jurisdictions.

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

1. That the Supplemental Agreement for the Upgrade, dated March 25, 2014, between the Center and the Jurisdictions, to provide for payment of the proportionate shares of the Upgrade, including payment to Rockbridge of the debt service on the lease-purchase agreements, by the Jurisdictions, be and hereby is authorized and approved.

2. That the System Purchase Agreement between the Center and Harris Communications, at a contract price of \$4,753,511.68, and the Subscriber Agreement between the Center and Harris Communications, at a contract price of \$2,686,617.87, both of which shall constitute capital costs for the Upgrade, are hereby approved.

3. That the System Maintenance Agreement, for a total cost over a ten year period of \$1,616,421.00, which shall constitute operating costs of the Center, is hereby approved.

4. That staff is hereby authorized to proceed with negotiations to obtain the Infrastructure Financing and the Terminal Hardware Financing, with the final lease-purchase agreements to be returned to the Board for approval.

5. That the Chairman of the Board of Supervisors is hereby authorized to execute the Supplemental Agreement with the Center and the Jurisdictions for the Upgrade on behalf of the Board of Supervisors of Rockbridge County, and the County Administrator is hereby authorized to take such other and further actions as may be necessary and appropriate to accomplish this transaction, which shall be approved as to form by the County Attorney.

6. That this Resolution is contingent upon approval and execution of the Supplemental Agreement by the Center, Buena Vista, and Lexington.

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

Adopted this ____ day of March, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Change to Six- Year Cycle on General Reassessments

County Attorney Vickie Huffman stated that there is an option for the County to change general reassessments from a five year interval to six years. If changed, the next general reassessment would be conducted during 2016 and be effective on January 1, 2017. She recommended scheduling a public hearing on the proposed ordinance which amends the Virginia Code accordingly.

Supervisor Campbell moved to schedule a public hearing for April 14, 2014 on the proposed ordinance. 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

Appointments

**County Economic Development Authority- Carl Newcomer- Term Expires
4/10/2014**

Chairman Higgins stated that he had not had a chance to speak with Mr. Newcomer and would like to do so. Therefore, he moved this appointment to the April 14th Agenda.

**County Economic Development Authority- B.G. Locher, Jr.- Term Expires
4/10/2014**

Supervisor Ford moved to reappoint Mr. Locher on the County Economic Development Authority. Supervisor Hinty provided the second, and the motion carried my unanimous roll call vote of the Board.

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

RARO Board of Directors- Unexpired Term of Patricia Wood, who resigned- Term expires 6/30/2015

Supervisor Lewis stated that he has found an interested citizen from the Walkers Creek District to fill the unexpired term; however, the citizen has requested more time before making the commitment. He asked to move this appointment to the April 14th Agenda.

Board Comments

Supervisor Campbell indicated that he had been approached by members of the South River Volunteer Department (SRVFD) who have expressed interest in using the County-owned field next to the Blue Ridge Recreation Park (AKA, Fairfield pool). Those members would like to use the field for tractor pulls at their expense.

Supervisor Lewis noted that the Virginia Horse Center hosts an annual tractor pull during the time of the fair. He asked if there would be a conflict between the two events.

Supervisor Campbell suggested having a contract drawn up for the SRVFD, authorizing their use of the field and to include in the contract language that will prohibit any tractor pull activities during the time of the fair.

Chairman Higgins asked if the property near the Fairfield pool would be leased to the SRVFD. He suggested that, should other citizens find a purpose for the property, they could use it as well. Chairman Campbell suggested that he take the matter back to the SRVFD for additional discussion and to gain more information.

Adjourn

With there being no further business to discuss, the meeting was adjourned.