

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY  
VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING,  
150 SOUTH MAIN STREET LEXINGTON, VIRGINIA,  
ON MONDAY, APRIL 28, 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

**Call to Order**

Chairman Higgins called the meeting to order at 4:30 P.M.

**EMS Coverage Discussion**

Director of Fire and Rescue Craig Bryant gave a PowerPoint presentation on Rockbridge Ambulance Staffing. Included in the presentation were the following points:

- Introduction and a safety message to the audience about learning CPR and the benefits of chest-compression-only CPR.
- Background: There is a recognized, documented, and perceived, EMS response issue that that has been increasing over time. Glasgow and Fairfield Rescue Squads have requested assistance. The Fire Commission also recommends that the proposed \$400,000 in the FY 2015 budget be used for EMS services.
- Proposal Planning team: Captain Robert Hickman-Glasgow Rescue Squad, Chief Steve Reese-Fairfield Rescue Squad, Craig Bryant-Rockbridge Fire-EMS Director, and Buena Vista, Lexington, and Rockbridge Collaboration group. The collaboration group

reviewed the option of sharing resources to cover the EMS response gaps. Data and geography show selected agencies need a first due ambulance, and collaboration will need to be considered at a later time.

- Current Reality: In 2013, 68% of EMS calls occurred between 6am-6pm. 2014 is following a similar pattern. Agencies' inability to respond rates are highest between 6am-6pm. Glasgow and Fairfield are areas of current need. The EMS response issue is creating an over-reliance on mutual aid. If the first due agency is unable to respond, response times are averaging over 20 minutes.
- Raw Data for Jan-April 2014: Glasgow: 159 calls for service; 43 calls for service unanswered; 29 of the 43 are Wed-Sun between 6am-6pm. Fairfield: 97 calls for service; 42 calls for service unanswered; 31 of the 42 are Mon-Fri between 6am-6pm.
- Staffing considerations: 1 - 24hour centrally located, 2 - 12hour/7DOW North and South, 2 - 12hour/5DOW North and South, 1 - 12hour/7DOW centrally located, or combination of all options using a regional approach.
- Recommendation: 6am-6pm, Mon-Fri in North area of County and 6am-6pm, Wed-Sun in South area of County. Advantages: limits duplication/overlapping service; geographically covers largest need of EMS, based on data; provides relief to first response agencies; gives agencies ability to focus volunteers on days and times that best fit member schedules; and the proposed implementation schedule will allow plan to fit in proposed

budget.

- Direction/Heading: Proposed \$400,000 in FY 2015 budget; Looking at Nov 1 start date; Future budget impacts: full year of contract service could increase budget, service need may increase based on data and funding; potential to bring service in-house; Moving ahead with this proposal will require BOS authorization.
- Questions/Discussion:
  - o Supervisor Campbell commented and asked that the policy/practice that Fairfield can only transport to Stonewall be reviewed.
  - o Supervisor Lewis asked to whom ambulance contractors would answer. Director Bryant answered that contractors would ultimately answer to the Director of Fire and EMS.
  - o Chairman Higgins asked that the Response 50 program be evaluated to see if statistics or data show a need for a change in the current setup.
  - o Supervisor Ford asked what can be done to address response to areas that will not have paid staffing. Director Bryant answered that discussion will need to occur with individual squads on addressing this issue. One option may be dual dispatching. Supervisor Ford asked if this plan changes the funding arrangement between the Lexington and the County. Mr. Suter stated that the current funding arrangement will suffice, but will be reviewed if necessary.

## **VDOT Six-Year Plan**

Susan Hammond of VDOT reviewed the proposed Six-Year Plan. She noted that two of the Rural Rustic paving projects for this season were already underway.

Ms. Hammond asked whether the Supervisors wished to retain the Long Hollow project as the county's #1 priority for state and federal support. The Board agreed to stick with Long Hollow as its priority.

Discussion then turned to Route 789, Country Club Road, long a trouble spot in rainy weather. Ms. Hammond informed the Board of her findings regarding the possible - but limited - benefits of adding slightly larger culverts and perhaps a retention basin nearby. Supervisors Higgins and Ford, whose districts are most directly affected, agreed that the recent inclusion into the V-DOT system of an alternate route for use in emergencies [Pinehurst Drive] may have resolved safety concerns over access via Rt. 789. Ms. Hammond agreed to confirm that the bridge on Pinehurst adjacent to the Baker/Shank property is indeed passable in all weather.

After Board discussion was completed, Chairman Higgins allowed Mr. Lee Merrill to speak. Appearing on behalf of the Rockbridge Area Conservation Council, Mr. Merrill suggested that V-DOT be requested to begin planning now for future improvements in traffic flow and access in the immediate area of the proposed Natural Bridge State Park, especially at the intersection of US 11 and VA 130.

In conclusion, Mr. Suter announced that he would attend the April 29 meeting of the Commonwealth Transportation Board [CTB] in Rockingham. He stated that he would express the Board's continued interest in scheduling improvements to Rt. 631, Long Hollow Road, and would also express support for improvements to aid traffic flow at I-81 Exit 205. He also agreed to suggest to CTB that planning for improvements at The Natural Bridge begin.

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY  
VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING,  
150 SOUTH MAIN STREET LEXINGTON, VIRGINIA,  
ON MONDAY, APRIL 28, 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:** PAUL OWEN, SAM CRICKENBERGER, CHRIS SLAYDON

**Call to Order**

Chairman Higgins 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 of Appreciation- Carl Newcomer**

Chairman Higgins asked Supervisor Lewis to read aloud the following resolution:

### **RESOLUTION EXPRESSING THE APPRECIATION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO CARL W. NEWCOMER, AFTER HIS MANY YEARS OF SERVICE ON THE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

**WHEREAS**, Carl "Pickle" Newcomer was appointed on the County Industrial Development Authority on December 11, 2001; and,

**WHEREAS**, the County Industrial Development Authority is now known as the County Economic Development Authority (EDA); and,

**WHEREAS**, Mr. Newcomer has served the citizens of Rockbridge County with honor and distinction as a member of the EDA for fourteen years; and,

**WHEREAS**, during those years, Mr. Newcomer dedicated many hours to participate in economic development projects throughout Rockbridge County; and,

**WHEREAS**, some of those projects include Heatex America in the Natural Bridge Industrial Park; the sale of the Natural Bridge High School to Sayre Enterprise; the sale of the Raphine Industrial property to Bobby Berkstresser; Z&T Sales in the old bowling alley property; Devils Backbone Brewing Company on the bowling alley property; and a Brownfields Grant for the enrollment of the former Stillwater Textiles in to the Voluntary Remediation Program to facilitate its re-development.

**NOW, THEREFORE, BE IT RESOLVED**: That the Board of Supervisors of the County of Rockbridge, Virginia, does hereby express deep appreciation to Carl W. Newcomer, for his fourteen years of service on the County Economic Development Authority.

Adopted this 28<sup>th</sup> day of April, 2014.

County Administrator Spencer Suter thanked Mr. Newcomer for attending the meeting and stated that he would have the resolution framed for him once signatures by the Board were obtained.

Mr. Newcomer thanked both past and present Board members for the faith they have shown towards him on the many projects he helped develop. He stated that he is willing to serve on some Boards and Committees but must slow down and let some go. He thanked the Board for the resolution.

### **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. He noted that he would like to add a RANA Board appointment. He stated that Hunt Riegel, the County's current representative on that board, had sent a letter stating that he no longer wishes to serve once his term expires in October. Mr. Riegel further suggested that his replacement be named now so as to be able to attend RANA meetings and be fully informed on all business.

Supervisor Campbell asked to receive the Board's support on a matter to be brought up during Board Comments.

## **Approval of April 14, 2014 Minutes**

Supervisor Ford moved to approve the Budget Minutes for March 5<sup>th</sup> and 12<sup>th</sup>, and April 9<sup>th</sup>, and the regular Board Meeting Minutes for April 14, 2014. Supervisor Campbell provided a second, and the motion carried by unanimous roll call vote by the Board.

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

## **Convene Solid Waste Authority**

Chairman Higgins convened the Solid Waste Authority at 5:45 p.m.

### **Solid Waste Comprehensive Plan RFP update**

Mr. Suter presented the Agenda Item which included the following information: "Staff published the request for proposals for RFP# 2014-02-001 'Outside Agency Production of Solid Waste Development Plan' with a closing date of April 3, 2014 at 2:00 p.m. The County received three qualifying proposals, and the solid waste subcommittee convened on two occasions to score the submissions, based on the published criteria as follows:

#### **A. Mandatory Elements**

1. The Proposer is independent and licensed to practice in Virginia.

2. The firm or individual has no conflict of interest with regard to any other work
3. The firm or individual adheres to the instructions in this request for proposal on preparing and submitting the proposal.
4. The firm or individual submits a copy of its latest sample of work of a similar nature.

**B. Technical Qualifications**

1. The skill, experience and training of the specified persons who will be performing the service requested.
2. The Proposer's understanding of the municipal solid waste handling and disposal industry obtained through prior experience or discussion with the appropriate officials.
3. The prior experience and reputation of the Proposer in performing research and development planning and other services for similar entities.
4. Ability to complete the research and submit the report in order to meet the required deadlines.

The following rankings were established:

- 1) SCS Engineering
- 2) MSW Consultants
- 3) CHA Design / Construction Solutions

Funding of \$15,000 was approved in the current FY 13-14 budget for this project. Final cost will be established as part of pending interviews and negotiations.

Mr. Suter requested that the Board authorize the Solid Waste Subcommittee to proceed with interviewing and negotiating with each proposer in order, based on the ranking.

Supervisor Campbell moved to authorize the Solid Waste Subcommittee to proceed with interviewing and negotiating with each proposer in order, based on the ranking. 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

Chairman Higgins closed the Solid Waste Authority at 5:47 p.m. and reconvened in the regular Board Meeting. (Note: This topic was discussed under the Solid Waste Authority and during the Board of Supervisors open session. See the second discussion after "Board Comments")

**Consideration of Request to advertise for proposals for renovation of the Lake Robertson Pool**

Finance Director Steven Bolster presented the Agenda Item which included the following information: "As the Board is aware, the Lake

Robertson Pool is in need of significant renovation and repair. The pool is central to the recreation amenities provided by the Lake Robertson Park and sees significant use by both residents and visitors to the County during the summer months. The Lake Robertson Pool was originally constructed by National Pools of Roanoke, Virginia, in 1978. Over the past 36 years, there has been only one major renovation contracted to another company. All of the other repairs have been completed by our staff. Approximately 12 years ago, the County requested bids to renovate the pool and the work was awarded to the lowest bidder. The low bidder appeared to have the skills and resources necessary to complete the work, but subsequently filed for bankruptcy and walked away after two weeks without completing the contracted job. Because the prior job was not completed adequately, we are now in a position where the repairs will be more extensive than they would have been if the project had initially been given to a qualified pool contractor with both experience and positive references. Given this experience, staff recommends that renovation services be structured under a Request for Proposals, rather than an Invitation for Bids. Further, staff believes this work qualifies as a non-professional service. Virginia Code section § 2.2-4303.C, states that, '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 deems that, in order to ensure that we gain the best service for the County and to meet the intent of the scope of services, we will be better served by issuing a Request for Proposals,

rather than an Invitation for Bids. This recommendation is based on the observation that the County would be better served by soliciting the most technically-qualified provider of services, rather than the lowest bidder. In addition, an experienced proposer may offer recommendations which may prove beneficial and cost-effective to the County. Should the Board concur with staff's assessment, a Scope of Services will be developed to ensure a turnkey renovation project, with work to begin in the Fall of 2014, such that the pool will be ready to open on regular schedule in the Spring of 2015. The following criteria, not necessarily listed in the order of importance, would be used in evaluating the responses to this RFP with weighting as determined at the sole discretion of the County of Rockbridge:

1. Ability to meet requirements described in the Scope of Services.
2. Ability to meet the timeframe described in the Scope of Services.
3. Previous experience and applicability to services requested.
4. References.
5. Credentials of project team proposed to perform work.
6. Cost of proposed system.

Funding for the project is included in the currently advertized FY 2015 draft budget. This topic is being brought forth now, so that staff can move swiftly with advertisement of the Request for Proposals, should the Board approve both the procurement mechanism and funding. In this way, we can help to ensure that the work can be completed in time for the pool

to open on the regular schedule in the Spring of 2015.”

Mr. Bolster recommended that the Board authorize issuance of a Request for Proposal for the services outlined in the scope of services, finding that an Invitation for Bids is neither practicable nor fiscally advantageous to the public for the reasons set forth above, and contingent upon final approval of funds for these purposes in the FY 2015 budget.

Supervisor Campbell asked if the construction period will take place after season or during season.

Mr. Suter responded stating the construction period will be after season.

Supervisor Hinty moved to authorize issuance of a Request for Proposal for the services outlined in the scope of services, finding that an Invitation for Bids is neither practicable nor fiscally advantageous to the public for the reasons set forth above, and contingent upon final approval of funds for these purposes in the FY 2015 budget. A second was provided by Supervisor Lewis, and the motion carried by unanimous roll call vote by the Board.

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

**Consideration of Elevator Maintenance Services Contract for the Rockbridge  
County Courthouse**

Mr. Bolster briefly reviewed the Agenda Item which included the following information: "At its regular, April 14th meeting, the Board considered and approved the staff team ranking for the Rockbridge County Courthouse Elevator Maintenance Services. To recap, the ranking was as follows:

<b>FIRM</b>	<b>AVG. SCORE</b>	<b>RANKING</b>
Otis	91.67	1
ThyssenKrupp	90.00	2

The Board further authorized the County Administrator to enter into negotiations based on this final ranking. Subsequently, negotiations have resulted in a contract which staff feels is advantageous to the County. Service levels meet or exceed the current contract. Estimated savings as a result of competitive procurement are approximately \$7,400 annually. Per the original Request for Proposals, the contract specifies an initial 2-year term, with two, 2-year extension options." He then requested that the Board authorize the County Administrator to execute the contract.

Supervisor Lewis moved to authorize the County Administrator to execute the contract. 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

**Consideration of HVAC Maintenance Services Contract for the Rockbridge County Courthouse**

Mr. Bolster briefly reviewed the Agenda Item which included the following information: "At its regular, April 14th meeting, the Board considered and approved the staff team ranking for the Rockbridge County Courthouse HVAC Maintenance Services. To recap, the ranking was as follows:

<b>FIRM</b>	<b>AVG. SCORE</b>	<b>RANKING</b>
Riddleberger Brothers	91.67	1
Southern Air	86.67	2
Trane	85.00	3

The Board further authorized the County Administrator to enter into negotiations based on this final ranking. Subsequently, negotiations have resulted in a contract which staff feels is advantageous to the County. Service levels meet or exceed the current contract. Estimated savings as a result of competitive procurement are approximately \$3,000 annually. Per the original Request for Proposals, the contract specifies an initial 2 year term, with two, 2-year extension options." He then requested that the Board authorize the County Administrator to execute the contract.

Supervisor Ford moved to authorize the County Administrator to execute the contract. 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

**Outdoor Event Application- Holland's Farmer's Market**

Director of Community Development Sam Crickenberger presented the applications for the two seasonal Farmer's Markets.

Chairman Higgins indicated that the Holland's Farmer's Market is a good market in his district.

Supervisor Lewis moved to approve the Outdoor Event Application for Holland's Farmer's Market. 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

**Outdoor Event Application- Rockbridge Baths Farmer's Market**

Supervisor Lewis moved to approve the Rockbridge Baths Farmer's Market. 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 to Schedule a Public Hearing on the Stormwater Management Ordinance**

Erosion and Sediment Technician Paul Owen reviewed the Agenda Item: "As reported at the Board's regular, April 14 meeting, the Erosion and Sediment Control division of the Building Department has been working with the County Attorney on a draft ordinance for the Rockbridge County Stormwater Management Program. The final draft is attached for your review. The draft includes a fee structure designed to help ensure that direct program costs are covered. Our goal is to keep costs to permit holders as low as possible while covering county costs, seeking no profit. The fees shown in the attached draft are based on our best estimate. True costs will not be known until we have negotiated an agreement with a third party commercial plan reviewer. As you are aware, a Request for Proposals for third party, commercial plan review has been advertised. Proposals are due on May 1, 2014. Once received, we will have a better idea of what the true costs will be and we hope to be able to adjust the recommended fee structure downward."

Listed below is the anticipated schedule moving forward.

- **April 28** - Proposed ordinance submitted to the Board of Supervisors for consideration of adoption.

- **May 1, 2014** - Receive proposals for 3<sup>rd</sup> party commercial plan review
- **May 12** - Present ranking on 3<sup>rd</sup> party commercial review proposals.  
Receive authorization to negotiate a contract for Board consideration
- **May 14 and May 21** - Advertise the proposed ordinance
- **May 27** - Public hearing - Provide Board with a revised, suggested fee structure, based on responses to the 3<sup>rd</sup> party commercial review RFP.  
Present 3<sup>rd</sup> party review contract to the Board for consideration.
- **May 30** - Award of contract.
- **June 15, 2014**- Deadline for submission of adopted local ordinance to DEQ
- **July 1, 2014** - VSMP plan implementation

Mr. Owen requested that the Board authorize scheduling a public hearing on May 27, 2014.

Supervisor Ford moved to schedule a public hearing for May 27, 2014. 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

**Consideration to Schedule a Public Hearing on the Proposed VDOT 6-Year Plan**

Mr. Suter indicated that this is the official action of the Board to hold a public hearing on May 12, 2014.

On a motion by Supervisors Hinty, and by consensus of the Board, a public hearing was schedule on May 12, 2014 on the VDOT 6-Year Plan.

**Consideration of a Resolution Endorsing Rail Preservation Application for Buckingham Branch Railway**

Mr. Suter explained that this was a resolution of support for a grant application to the Commonwealth Transportation Board from the Buckingham Branch Railway. The funds will cover improvements to railway tracks from Craigsville through Goshen. He noted that he had contacted Buckingham Branch Railway, who informed him that this is a standard procedure. Mr. Suter also noted that this will not take any funds from local VDOT road projects, and that the project will enhance railroad safety in the County.

Supervisor Ford asked if there was a way to ask Buckingham Branch Railway to use local contractors to complete the improvements.

Mr. Suter stated that he could call and encourage them to use local contractors.

Supervisor Ford moved to approve the resolution endorsing rail preservation application. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Lewis, Campbell, 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, APRIL 28, 2014

**RESOLUTION ENDORSING  
RAIL PRESERVATION APPLICATION  
BUCKINGHAM BRANCH RAILROAD COMPANY**

**WHEREAS**, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the projects; and,

**WHEREAS**, Buckingham Branch Railroad has identified projects that are estimated to cost \$6,637,000.00; and,

**WHEREAS**, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurements of railways in the Commonwealth of Virginia; and,

**WHEREAS**, the Buckingham Branch Railroad is an important element of the Rockbridge County transportation system; and,

**WHEREAS**, the Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and,

**WHEREAS**, the County of Rockbridge supports the projects and the retention of the rail service; and,

**WHEREAS**, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

**NOW, THEREFORE, BE IT RESOLVED**, that the Rockbridge County Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

**BE IT FURTHER RESOLVED**, that copy of this resolution be spread upon the minutes of the April 28, 2014 meeting and sent to Buckingham Branch Railroad.

Adopted this 28<sup>th</sup> day of April, 2014.

Recorded Vote:

Ayes: Ford, Lewis, Campbell, Hinty, Higgins

Nays: None

Absent: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_

Chairman

Attest: \_\_\_\_\_  
Spencer H. Suter, Clerk

**Virginia Horse Center [VHC] Discussion**

Chairman Higgins indicated that the Board has received two letters from VHC. He stated that the Board has not responded to those letters but should do so soon. He then asked each Board member for his comments.

Supervisor Campbell indicated that he and Chairman Higgins have sat through several meetings with representatives of VHC and have made various requests for information that seem to have fallen by the wayside. He added that he feels our message to the VHC Board has been consistent. Supervisor Campbell then read from a handout he had shared with the rest of the Supervisors:

"In order to maintain current tourism levels generated by the Virginia Horse Center (VHC), Rockbridge County will consider increasing the lodging tax rate .01%. Rockbridge County will grant the Economic Development Authority (EDA) the authority to manage the increased funding. The increase will originally be used by the VHC as debt service and capital improvement support. This arrangement may be re-evaluated after the first year and then every three years. Because time is of the essence for the VHC, Rockbridge County will begin the lengthy process of increasing the lodging tax. The VHC will consider conditions requested by the County during this period while working on an agreement. The EDA and VHC will

enter into a Performance Agreement that has approval from the Board of Supervisors.”

“The VHC has requested that they be allowed to establish an account at CornerStone Bank, into which the County will deposit the monthly lodging tax revenues. This is designed to assist the VHC in their efforts to refinance their debt service with the USDA. An account may be set up with Rockbridge County and EDA both depositing funds monthly. Lexington is encouraged to participate with this system for accountability. Funds deposited into this account shall be under the exclusive control of the Director of Finance for Rockbridge County, who will process debt service payments from the account. If the VHC requests capital improvement funding, the Director of Finance shall assure adequate reserves for debt service before presenting the request to the Board of Supervisors.

“The VHC will enter into a lease with the Rick Mast Foundation (RMF) for an athletic complex on the 195 plus acres north east of Rt. 39. This property shall be deeded to Rockbridge County when the County satisfies VHC debt. The VHC shall not enter into any capital debt, refinancing, or other forms of debt structuring during the period that debt service exists without prior authority of the Board of Supervisors. The VHC shall provide Rockbridge County with all mortgages, pledges, or debt on property controlled by VHC including mortgagee information. The VHC will provide the County with an audit and budget annually. The VHC will allow a Board of Supervisor to attend the VHC Board Meetings and attend closed meetings

unless the discussion is on a personnel matter.”

Chairman Higgins asked if there were any other Board comments.

Supervisor Hinty added that he believes a member of the Board of Supervisor should be a member on the VHC Board of Directors, able to sit through all Closed Meetings including personnel matters. He also shared his concern over the Board of Supervisors' not having received information they requested months ago.

Supervisor Campbell indicated that, over the last several weeks, VHC has in fact changed their structure on how they are handling relations with the County, and that are now trying to gather the information the Board of Supervisors have been requesting.

Supervisor Ford thanked Supervisor Campbell for his handout and for reading it aloud. He stated that Supervisor Campbell had raised some valid points and he then made a few suggestions: first, that money currently in the County's resource inventory having to do with Tourism and Tourism Economic Development might be used to help VHC. Both the EDA and the Regional Tourism Board have significant fund balances; second, we should wait for Tom Clarke to complete his audit of VHC finances before committing to a tax increase - and we should pay close attention to USDA's response to the various positive developments that have accompanied Mr. Clarke's arrival at VHC; and third, our response to VHC's letters should be taken in close consultation with Lexington's. He was not inclined to commit the County on matters relating to capital reserve or use of the Oak Hill property at this time.

Supervisor Lewis stressed the need for quick action on the VHC request. He indicated his willingness to begin the process of adopting the lodging tax increase immediately.

Chairman Higgins shared his concern about members of the Virginia Horse Center Board not attending their Board meetings on a regular basis. He wondered whether that full Board was even fully aware of all that has happened lately at VHC - because of their lack of attendance during meetings. However, he agreed that, "We do need to move forward."

Supervisor Hinty shared his concern over raising the lodging tax 1% for seven (7) years to cover the debt, as VHC has requested. He stated that, should another economic downturn affect VHC revenues, the County could do nothing to help during such a future hardship.

Supervisor Campbell stated that Mr. Clarke has confirmed that once the County begins the process to support their request, then VHC can begin negotiations with the USDA. He suggested that demonstrating the ability to begin monthly payments on arrears to USDA would help VHC in those negotiations. He stated that the County has always paid USDA directly and recommended that the County continue to handle future payments in the same manner.

Chairman Higgins indicated that he would be sending a response letter back to the Virginia Horse Center very soon. He asked Mr. Suter to let Mr. Clarke know that the Board will be sending a response letter soon.

Mr. Suter confirmed.

Supervisor Lewis asked if the Board is ready for the County Attorney to begin preliminary work on developing an ordinance.

County Attorney Vickie Huffman confirmed that she has already developed an ordinance.

Chairman Higgins asked Mr. Crickenberger to schedule a meeting with the County EDA to discuss potential actions to further the county's economic relationship with VHC.

Supervisor Ford moved to authorize establishing a committee to solicit a recommendations from the local lodging industry on adoption of the 1% additional transient occupancy tax - as is required by code. Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Mr. Suter asked the Board their thoughts on making a direct payment to the USDA around the middle of May of the 2% lodging tax already collected this year, to help VHC satisfy USDA requests for monthly payments on arrears.

Supervisor Campbell moved to authorize payment on the arrearage of approximately \$17,500 on the 15<sup>th</sup> of each month for the next three (3) months out of existing transient occupancy tax revenues, to show good faith during negotiations. 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

### **Public Hearings**

**Special Exception- Dixie Gas and Oil- expanding Propane Facility in B**

**-1**

Chris Slaydon, Assistant Director of Community Development, introduced Chris Earhart and Chris Bowyer. Mr. Slaydon explained that Dixie Gas & Oil has applied for a special exception permit to expand their propane facility in the General Business District (B-1), per Section 605.03-17 of the Zoning Regulations. He stated that the Planning Commission recommended approval following their public hearing on April 9, 2014.

Chairman Higgins apologized to Mr. Arehart for opening the public hearing discussion late.

Mr. Earhart stated the reason for this expansion is that business has expanded. He noted that three of their facilities are being expanded due to the increase in customers.

Chairman Higgins opened the public hearing. There were no public comments. He closed the hearing

Supervisor Campbell moved to adopt the ordinance granting an amended Special Exception Permit to Dixie Gas & Oil to expand its propane storage facility in the General Business District (B-1). Supervisor Hinty provided the second, and the ordinance was adopted 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 ADMINISTRATION CENTER ON MONDAY, APRIL 28, 2014

**Ordinance Granting an Amended Special Exception Permit To Dixie Gas & Oil Corporation to Expand Its Propane Storage Facility for Placement of an Additional 30,000 Gallon Tank, for a Total of Four Propane Storage Tanks, on its Property in the General Business District (B-1), Located on the East Side of Route 11 at 2460 North Lee Highway (Tax Map No. 62-5-1C7) in the South River Magisterial District**

**WHEREAS**, on July 24, 1995, Dixie Gas and Oil Corporation was granted a special exception permit, with conditions, for a propane storage facility on property identified as Tax Map No. 62-5-1C7; and,

**WHEREAS**, Dixie Gas and Oil Corporation has filed an application for an amended special exception permit pursuant to the Rockbridge County Land Development Regulations §605.03-17, to place an additional 30,000 gallon propane storage tank at its facility, for a total of four (4) storage tanks; and,

**WHEREAS**, the propane storage facility is located in the General Business District (B-1), on the east side of Route 11 approximately .45 mile south of its intersection with Valley Pike, at 2460 North Lee Highway in the South River Magisterial District of Rockbridge County; and,

**WHEREAS**, the Rockbridge County Planning Commission held a public hearing on this matter on April 9, 2014, and recommended to the Board of Supervisors that the special exception permit be approved with specified conditions; 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 April 28, 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 Development 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 finds that the granting of an amended special exception permit to Dixie Gas & Oil Corporation to place an additional 30,000 gallon propane storage tank, for a total of four (4) storage tanks, at its propane storage facility (Tax Map No. 62-5-1C7), located in the General Business District (B-1), on the east side of Route 11 approximately .45 mile south of its intersection with Valley Pike, at 2460 North Lee Highway 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 granted and approved with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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 \_\_\_\_ day of April, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Spencer H. Suter, Clerk

## EXHIBIT A

### SPECIAL EXCEPTION PERMIT CONDITIONS

#### DIXIE GAS & OIL CORPORATION

1. Security lighting shall be placed a maximum of 12' off ground and directed toward the tanks.
2. Plant a double, staggered row of 5' white pines along the Reevely, now Berkstresser (Tax Map No. 62-5-1C4) property line to screen the tanks.
3. Tanks to be located a minimum of 100' from the Reevely, now Berkstresser (Tax Map No. 62-5-1C4) property line.
4. Substantial compliance with the 'Plan for Proposed LP Tank' dated February 18, 2014, as submitted.

#### Appointments

**Planning Commission- David Winston's term will expire on May 11, 2014**

Chairman Higgins indicated that he had spoken with Mr. Winston, who is willing to be reappointed on the Planning Commission.

Supervisor Ford moved to reappoint David Winston on the Planning Commission. Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Board.

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

**Central Shenandoah Planning District Commission- Albert Lewis, Jr.**

Supervisor Campbell moved to reappoint Mr. Lewis to the Central Shenandoah Planning District Commission. 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

Supervisor Ford moved to nominate Mr. Lewis to continue serving on the Central Shenandoah Planning District Commission's Executive Committee. 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

**Board Comments**

Chairman Higgins indicated that he had received a letter from Hunt Riegel, who currently serves on the RANA Board. Mr. Riegel advised that he is no longer willing to serve on the RANA Board once his term expires.

Supervisor Hinty moved to appoint Supervisor Campbell to serve on the RANA Board. Supervisor Campbell was asked to attend meetings prior to Mr. Riegel's retirement on this Board. 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

Supervisor Campbell stated that he had heard on the news that the Food and Drug Administration [FDA] was looking at adopting a rule that would affect breweries' selling their grain byproducts to farmers for feed. The stated reason for this change is that this would reduce the chance of cows and pigs getting salmonella. Supervisor Campbell stated that he had stopped at the Devil's Backbone brewery in Lexington just before the Board Meeting, where the owners told him they have been advised by their trade association to write letters to the FDA opposing this rule. Supervisor Campbell shared that he thought the Board should oppose the economic hardships that adoption of this proposed FDA rule would create locally: the brewery would be required to perform extensive testing on the grain byproducts; they could possibly be required to package them, at considerable expense to the brewery and/or the farmers using the byproduct; if the matter could not be sold as feed, disposal in the Regional Landfill would raise toxicity in the leachate and cost the County more to process.

Director of Community Development Sam Crickenberger stated that this topic was discussed at a brewers' trade meeting he recently attended in

Denver as a representative of the Shenandoah Valley Partnership. He is putting a report together to submit to them. His understanding is that there is no evidence that giving the grain to cattle is a health concern.

Chairman Higgins suggested that Supervisor Campbell, Mr. Suter, and Mr. Crickenberger draft a letter opposing this new rule. The Board gave their consensus.

### **Solid Waste Comprehensive Plan RFP update**

Mr. Suter indicated that the Solid Waste Authority made a motion to authorize the Solid Waste Subcommittee to proceed with interviewing and negotiating with each proposer in order based on the ranking. However, this motion should come from the Board of Supervisors.

Supervisor Campbell moved to authorize the Solid Waste Subcommittee to proceed with interviewing and negotiating with each proposer in order based on the ranking. 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

### **Closed Meeting**

Supervisor Lewis moved to enter into a Closed Meeting as Permitted by Virginia Code Section 2.2-3711(A)(3), discussion or consideration of a matter involving, disposition of publicly held real property, where

discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy. Supervisor Ford provided the second, and the motion was approved by unanimous roll call vote.

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

Supervisor Hinty moved to reconvene in open session, seconded by Supervisor Campbell, and the motion was approved by unanimous roll call vote by the Board.

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

Supervisor Ford moved that the Board certify that, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. A second was provided by Supervisor Lewis, and the motion carried by unanimous roll call vote by the Board.

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

## **Adjourn**

With no further business to discuss, the meeting was adjourned by unanimous vote by the Board.