

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, JUNE 23, 2014, AT 4:30 P.M.

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

Call to Order

Chairman Higgins called the Work Session to order at 4:32 P.M.

Financial Policy Update from Financial Advisor 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 and Mr. Weisshaar briefly reviewed a handout of the power point presentation:

"Background and Overview:

- In March 2014, Davenport & Company ("Davenport") presented a Comprehensive Financial Review to the Rockbridge County Board of Supervisors. The Comprehensive Financial Review included, amongst other topics, recommended Financial Policy Guidelines with respect to debt capacity, debt affordability, and reserve levels.

- Since the Board meeting in March, Davenport has worked with County staff and the Finance Committee to develop a full set of Financial Management Policies and Best Practice Financial Guidelines.

Next Steps:

- Receive feedback from the County Board of Supervisors and County staff on the Financial Management Policies and Best Practice Financial Guidelines.
- Amend/Revise the Financial Management Policies and Best Practice Financial Guidelines, as needed.
- Formally adopt the Financial Management Policies and Best Practice Financial Guidelines document. Formal consideration of adoption is scheduled for July 14th.
- Once the Financial Management Policies and Best Practice Financial Guidelines have been adopted, consider approaching one or more of the National Credit Rating Agencies for Issuer Ratings.

Supervisor Ford asked Mr. Mason whether we should consider using fund balance to pay debt down or use it to "pay as we go" on new projects. Mr. Mason recommended consideration of front-funding all or a portion of new projects.

Supervisor Ford then noted that regional relationships enter into consideration when we have to borrow funds. Chairman Higgins suggested consideration to hold back some funds, thereby taking advantage of lower interest rates, so that we would have cash on hand for future projects when interest rates go up.

When questioned about the potential for future services from Davenport, Mr. Mason then noted that Davenport considers this to be a partnership.

He noted that they are not currently working under a contract with the County, but that they are in business for long term relationships. He further explained that Davenport would not necessarily invoice the County for all services rendered, such as phone calls for advice on specific issues.

Mr. Suter then clarified a statement from the original presentation, noting that, while landfill revenues are projected to increase, the County is the biggest landfill customer - in effect, we are paying ourselves. Mr. Bolster then suggested that the Solid Waste Authority consider adopting financial policies as well.

Discussion on State Budget Adoption

County Administrator Spencer Suter explained the following key topics regarding employees whose pay is set by the Compensation Board:

- The 2% salary increase has been eliminated for Sheriffs and Regional Jails.
- Sheriffs' and Regional Jails' Masters/Jail Officer programs have been eliminated.
- For the Jail: no additional funding is recommended for the projected need of \$10.7 million in FY15 and \$11.7 million in FY16 for jail inmate per diem payments, based upon the 2013 inmate population forecast for local and state responsible inmates.
- The Commonwealth's Attorneys' Career Prosecutor Program has been eliminated.

- Additional funding of \$2.1 million is included in each year to support a salary increase for each full-time Assistant Commonwealth's Attorney of \$3,308 and each part-time Assistant Commonwealth's Attorney of \$1,654, effective July 1, 2014. This funding supports the second phase of a two-year initiative to raise the starting salary of an Assistant Commonwealth's Attorney to provide parity with salaries paid by the Commonwealth for Public Defenders and other publicly funded attorneys.
- Circuit Court Clerks: a 4% salary increase for each Deputy Clerk I position and a 2% salary increase for each Deputy Clerk II position, effective July 1, 2014, has been eliminated, and the Career Development Program was not approved.
- Treasurers: The Treasurers' Career Development Program has been eliminated as well as the program for Deputy Treasurers.
- Commissioners of Revenue: Career Development Programs have been eliminated for Commissioners and Deputy Commissioners.
- The governor's primary veto was related to Medicare.

Closing of Work Session

With there being no further discussions, the Work Session was closed at 5:21 P.M.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY
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PRESENT: CHAIRMAN J.M.HIGGINS
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CLERK TO BOARD: SPENCER H. SUTER
COUNTY ATTORNEY: VICKIE L. HUFFMAN
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: SAM CRICKENBERGER, ROBERT FORESMAN, BETTY TROVATO,
BRANDY WHITTEN
EDA MEMBERS: GENE TILLES

Call to Order

Chairman Higgins called the meeting to order at 5:31 P.M.

Supervisor Lewis delivered the following invocation:

"Behold, O God, our beloved county:

The old, the young, the children; rich and poor, unknowing and
learned;

The workers in shops, school, office and home;

A people tradition, with divergent hopes and fears.

Behold her mountains and her fields, rivers and forests.

Upon this land, upon these people, pour down your life-giving spirit
of truth.

Where there is strife, bring cooperation for the common good;

Where greed and envy---give us a perspective which sees dignity in
every person;

Where interests clash, set free in us an impulse for righteousness
and community.

Behold this our county and make her strong and whole.

Amen." (Adapted from Behold America, John Wallace Suter, 1964)

Supervisor Lewis then led in the Pledge of Allegiance.

Recognitions/Presentations

Chairman Higgins called for recognitions or presentations.

Kerrs Creek Volunteer Fire Department improved ISO rating

County Administrator Spencer Suter recognized the Kerrs Creek Volunteer Fire Department, who recently reduced their ISO rating from a 9 to an 8B. He noted that ISO ratings can reduce homeowners insurance for homes surrounding a local fire department. He also noted that the Fire and Rescue Commission have been working very hard in assisting with helping with ISO ratings in the County. Mr. Suter commended the Kerrs Creek Volunteer Fire Department as well as the Fire and Rescue Commission, and specifically the ISO sub-committee for working hard to reduce ISO ratings in the County.

Chairman Higgins asked the County Administrator to write a letter on behalf of the Board of Supervisors commending the Kerrs Creek Volunteer Fire Department on such an achievement.

As the Kerrs Creek Supervisor, Supervisor Ford congratulated Chief PJ Sibold, and his department for this achievement. He suggested that homeowners in the Kerrs Creek District whose insurance has been reduced consider donating some of their savings to the Fire Department.

Citizen Comments

Chairman Higgins called for citizen comments. There were none.

Items to be added to the Agenda

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

Approval of Minutes

Supervisor Lewis moved to approve the June 9, 2014 Minutes.

Supervisor Ford provided the second to the motion, and the motion carried by unanimous roll call vote.

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

Approval of School Division appropriations for FY13-14

Finance Director Steven Bolster explained that this appropriation will wrap up the current fiscal year. He noted that the School Board had realized additional revenues, which need an additional appropriation. He recommended approval.

Supervisor Lewis moved to approve the School Division Appropriations for FY13-14 in the amount of \$147,058. A second was provided by Supervisor Ford, and the resolution was adopted by unanimous roll call vote by the

Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE
COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, JUNE 23, 2014 AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, the
Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that
the following appropriations are, and the same hereby are made, for the period
ending **June 30, 2014** in **FUND 50, SCHOOL FUND** and expended as follows:

Administration

4-50-63200-6008-915 Vehicle and Equip Fuels..... \$118,408.00
4-50-66200-8110-915 Capital Outlay Replacement..... \$28,650.00

TOTAL FUND 50 APPROPRIATIONS **\$147,058.00**

RECORDED VOTE:
AYES:
NAYS:
ABSTAIN:
ABSENT:

Closeout of FY 2013-14 including appropriations and payment of bills

Mr. Bolster presented the appropriation resolution and increased line
item 4-11-32080-3003 entitled "LEMPG" to 12,282. With that amendment, the
total of all appropriations became \$84,394 and the total of all bills

\$729,135.50.

Supervisor Campbell moved to approve the amended appropriation resolution. A second was provided by Supervisor Ford, 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 COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, JUNE 23, 2014, AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, the Board, by record vote, adopted the following appropriation resolutions and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s are, and the same hereby is made, for the period ending **June 30, 2014**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-31020-1008 Overtime (Sheriff).....	\$4,290.00
4-11-31030-7001 Homeland Security Grant.....	\$881.00
4-11-32060-3911 Comp Board Transfer to LX 911.....	\$10,358.00
4-11-32080-3003 LEMPG.....	\$12,282.00
4-11-32080-3008 VDH Grants.....	\$36,610.00
4-11-81090-3002 Transportation Grant.....	\$1,571.00
4-11-81090-5623 Lodging Tax Horse Center Debt.....	\$17,240.00

Total General Fund Appropriations

\$83,232.00

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s are, and the same hereby is made, for the period ending **June 30, 2014**, from the UNAPPROPRIATED SURPLUS of the **SWA/LANDFILL FUND** and expended as follows:

4-19-19050-3006 Seeding/Mowing/Erosion Control..... \$1,162.00

Total SWA/Landfill Fund Appropriations

\$1,162.00

Total Appropriations

\$84,394.00

Current County

11 - General Fund \$623,146.86

19 - SWA/Landfill \$39,929.88

20 - SWA/Recycling \$1,496.63

94 - Central Stores \$893.19

Total County Bills

\$665,466.56

Current Fiscal Agent

80 - Regional Jail \$33,026.61

87 - Commonwealth Atty Forfeitures \$559.00

91 - Veterans Memorial Fund \$197.30

92 - Drug Fund \$29,669.06

93 - CSA Administration \$216.97

Total Fiscal Agent

\$63,668.94

TOTAL ALL BILLS

\$729,135.50

RECORDED VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Approval of payment of final FY 2013-14 payroll

Supervisor Ford moved to approve the final payroll for FY 2013-14. A second was provided by Supervisor Campbell, and the final payroll was approved by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE COUNTY ADMINISTRATIVE OFFICE,
150 S. MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, JUNE 23, 2013 AT 5:30 P.M.

On a motion of Supervisor _____, with a second by Supervisor _____, the Board approved payment of payroll for the end of the 2013-2014 fiscal year.

RECORDED VOTE:

AYES:

NAYS:

ABSENT:

Appropriation of FY 2014-15 County Budget

Mr. Bolster read aloud the Appropriation Resolution as follows:” BE
IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia,
that the following appropriations be, and the same hereby are made, for
the period ending June 30, 2015, in the: GENERAL FUND, FUND 11: (To be
expended only on order of the Board of Supervisors with the exception of
Social Services activities, which are to be expended only on order of the
Board of Public Welfare):

Board of Supervisors	\$ 104,869.00
General and Financial Administration	\$ 1,515,040.00
Registrar	\$ 144,662.00
Judicial Administration	\$ 1,452,437.00
Public Safety	\$ 6,839,878.00
Public Works	\$ 3,405,668.00
Health and Welfare	\$ 1,312,396.00
Education	\$ 68,384.00
Parks, Recreation, and Cultural	\$ 1,487,148.00
Community Development	\$ 3,021,996.00
Non-Departmental	<u>\$20,986,808.00</u>
Total General Fund	\$40,339,286.00”

Supervisor Campbell moved to approve the Appropriation Resolution as presented. A second was provided by Supervisor Ford, and the resolution was adopted 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 COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRIGNIA,
ON MONDAY, JUNE 23, 2014 AT 5:30 P. M.

On motion of Supervisor _____, with second by Supervisor _____, the following functions are allowed as appropriations in accordance with the Budget dated FY 2014-2015 that is filed with the records of the Board (to become effective July 1, 2014).

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations be, and the same hereby are made, for the period ending **June 30, 2015**, in the:

GENERAL FUND, FUND 11: (To be expended only on order of the Board of Supervisors with the exception of Social Services activities, which are to be expended only on order of the Board of Public Welfare):

Board of Supervisors	\$ 104,869.00
General and Financial Administration	\$ 1,515,040.00
Registrar	\$ 144,662.00
Judicial Administration	\$ 1,452,437.00
Public Safety	\$ 6,839,878.00
Public Works	\$ 3,405,668.00
Health and Welfare	\$ 1,312,396.00
Education	\$ 68,384.00
Parks, Recreation, and Cultural	\$ 1,487,148.00

Community Development \$ 3,021,996.00

Non-Departmental \$20,986,808.00

Total General Fund **\$40,339,286.00**

RECORDED VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Appropriation for FY 2014-15 School Budgets

Mr. Bolster read aloud the Appropriation Resolution as follows:“ BE
IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia,
that the following appropriations be, and the same hereby are made, for
the period ending **June 30, 2015**, in the **SCHOOL EDUCATION FUND (Fund 50)**
and expended on the order of the School Board as follows:

4-050-61000 Instruction..... \$20,624,888

4-050-62000 Administration/Health/Attendance..... \$1,364,768

4-050-63000 Pupil Transportation..... \$2,148,722

4-050-64000 Operations and Maintenance..... \$3,170,784

4-050-66000 Facilities..... \$20,000

4-050-67000 Debt Service..... \$3,320,031

4-050-68000 Technology..... \$1,059,428”

Mr. Bolster also added the one appropriation for the School Cafeteria Fund, Fund 56, as follows:

4-056-65000 School Cafeteria..... \$1,287,897

Supervisor Hinty moved to approve the Appropriation Resolution for FY 2014-15 School Budgets. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY JUNE 23, 2014, AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, the Board, by record vote adopted the following resolution to appropriate the FY 2014-2015 School Fund (Fund 50) and the School Cafeteria Fund (Fund 56) in accordance with the Budget dated FY 2014-2015 which is filed with the records of the Board to become effective July 1, 2014. (The School Administration provided account line numbers for the appropriations):

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations be, and the same hereby are made, for the period ending **June 30, 2015**, in the **SCHOOL EDUCATION FUND (Fund 50)** and expended on the order of the School Board as follows:

4-050-61000 Instruction..... \$20,624,888
4-050-62000 Administration/Health/Attendance..... \$1,364,768
4-050-63000 Pupil Transportation..... \$2,148,722

4-050-64000 Operations and Maintenance..... \$3,170,784
4-050-66000 Facilities..... \$20,000
4-050-67000 Debt Service..... \$3,320,031
4-050-68000 Technology..... \$1,059,428

TOTAL APPROPRIATIONS SCHOOL FUND..... \$31,708,621

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation be, and the same hereby is made, for the period ending **June 30, 2015** in the **SCHOOL CAFETERIA FUND (Fund 56)** and expended on the order of the School Board as follows:

4-056-65000 School Cafeteria..... \$1,287,897

TOTAL APPROPRIATIONS CAFETERIA FUND..... \$1,287,897

RECORDED VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Convene Solid Waste Authority

Chairman Higgins Convened the Solid Waste Authority at 5:43 P.M.

Appropriation of FY14-15 SWA Budget

Mr. Bolster recommended approval of the Appropriation Resolution for Funds 19 and 20.

Supervisor Ford moved to approve the resolution on behalf of the Solid Waste Authority. Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Authority.

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

With no further business to discuss, the Solid Waste Authority was closed.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, JUNE 23, 2014 AT 5:30 P. M.

On motion of Supervisor _____, with second by Supervisor _____, the following functions are allowed as appropriations in accordance with the Budget dated FY 2014-2015 that is filed with the records of the Solid Waste Authority (to become effective July 1, 2014).

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Rockbridge County Solid Waste Authority, that the following appropriations be, and the same hereby are made, for the period ending **June 30, 2015**, in the:

SOLID WASTE AUTHORITY-LANDFILL, Fund 19: (To be expended only on order of the Solid Waste Authority): **\$1,500,172.**

SOLID WASTE AUTHORITY-RECYCLING, Fund 20: (To be expended only on order of the Solid Waste Authority): **\$495,895.**

RECORDED VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Greenhouse Village Housing Project- MOU with Central Shenandoah PDC

Director of Community Development Sam Crickenberger explained that the two MOU's on the Agenda are required by the project grantor - Virginia Department of Housing and Community Development (DHCD). He recommended authorization for the County Administrator to execute the MOU between the County and the CSPDC.

Supervisor Lewis spoke in favor of the CSPDC, sharing that he had great confidence in the CSPDC and knew they would do a good job. He then moved to approve Mr. Crickenberger's recommendation. 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

Greenhouse Village Housing Project- MOU with Habitat for Humanity

Mr. Crickenberger introduced Lynn Leech, Executive Director for Habitat for Humanity. He then stated that this second MOU ensures that Habitat fulfill their obligation to construct 8 dwellings within two years of completion of the grant.

Chairman Higgins asked Ms. Leech if there is currently a waiting list to ensure those eight homes would be occupied in the two year period.

Ms. Leech confirmed that there are many families who are being considered.

Chairman Higgins then asked if Rockbridge County High School still assists with building Habitat homes.

Ms. Leech explained that Habitat constructs three stick-built homes each year while the High School builds one, comprising the total of four houses per year.

Supervisor Lewis asked Ms. Leech if she has confidence that she can meet the requirements within the MOU.

Ms. Leech confirmed.

Supervisor Ford moved to approve the MOU between the County and Habitat for Humanity. Supervisor Lewis 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 Request for Proposals for Contracted Ambulance Services

Mr. Suter briefly reviewed the Agenda Item: "As you may recall, this year's budget deliberations included consideration for implementation of paid ambulance services in the County. After a great deal of study, it has been determined that the optimum method of initial delivery of this

service is via a contracted ambulance service, similar to the model that the City of Lexington employed for several years. A draft plan was submitted to the Fire and Rescue Commission this spring. The Fire and Rescue Commission subsequently recommended that the plan be submitted to the Board of Supervisors for consideration. Director of Fire and EMS Craig Bryant presented the plan to the Board in an April 28 work session. Funding was approved via adoption of the FY14-15 Budget. Funding amounts dedicated to this service totaled \$400,000, with \$300,000 coming from the general fund and \$100,000 from EMS cost recovery funds. As directed by the Board in the April 28 meeting, we are returning to the Board with a Request for Proposals for Board consideration. The RFP requests staffing of two EMS units, 12 hours a day, 5 days a week. While the RFP notes that staffing would initially be housed in Glasgow and Fairfield for purposes of answering calls wherever service is needed in the County, it leaves open the options for mobility as may be required in the future. The goal would be to advertise for proposals in the June 25th and July 2nd editions of the "News Gazette" and on the County's website. In addition, we would attempt to contact known providers of contracted EMS service. A mandatory pre-proposal meeting would be held on July 8th to further explain the request for proposals and answer questions that potential offerors may have. A selection advisory committee consisting of the County Administrator, Director of Fiscal Services, and two Volunteer EMS leaders is contemplated. Assuming that responsive and responsible proposals are received, a ranking would be established and presented to the Board for consideration. If the ranking is then approved, we would enter into negotiations with the top ranked offeror, and if necessary continue down

the list until a suitable contract could be negotiated for final consideration by the Board." Mr. Suter advised that Mr. Bryant has since resigned, but because the need is so significant in the County, he plans to move forward with this process. He noted that he and Emergency Management Coordinator Robert Foresman had met just before the meeting, and Mr. Foresman suggested changing response time from two minutes to 90 seconds. Mr. Suter advised that he agreed with the suggested change.

Chairman Higgins asked if volunteers could be paid during the day and then volunteer during the night.

Mr. Suter replied that this concern was not addressed in the RFP. He then noted that other localities, such as Rockingham and Augusta Counties, take differing stances, but that most do not allow employees to volunteer in the same station where they work. He stated that applicable sections of the Fair Labor Standards Act are designed to protect both the employee and employer; however, he noted that he was not sure what control the County would have over a contractor's employment policies.

Chairman Higgins asked Mr. Suter and staff to look further into the possibility of avoiding such a conflict.

Supervisor Campbell indicated that Augusta and Amherst Counties' policies are both based on the Fair Labor Standards Act; and he felt that the Rockbridge County should be consistent with surrounding Counties.

Mr. Suter indicated that the Fair Labor Standards Act protects the employer from retroactive volunteer claims of overtime and also shields a volunteer from employer coercion. Supervisor Campbell indicated that he was well aware that this is just the beginning of the process for

advertising for RFP's; however, he asked that the Board keep in mind that anyone who lives North of the 195 (Timber Ridge) interchange will most likely want to be transported to Augusta Medical Center.

Chairman Higgins had a question related to Response 50, which was included in the RFP. He asked that the new Director of Fire and EMS look into where the Response 50 vehicle is housed and who keeps the vehicle. He stated that he has in the past had concerns about Response 50 and those concerns remain.

Supervisor Lewis commended whoever drafted the RFP for providing a careful and comprehensive document.

Mr. Suter noted that, though he would like to, he could not claim full credit for the draft as he had used another locality's RFP and adapted it to the needs of Rockbridge County.

Supervisor Lewis asked what "AIC" meant in item 7, entitled "Relationship of Parties".

Mr. Suter responded that AIC abbreviates "Attendant in Charge". He stated that this person is in charge of the patient and the patient's care. He further explained that there are two levels of command on a scene: the first is the person in charge of the scene; while the other is the person in charge of the patient. He noted that the overall scene is governed by the Incident Command System (ICS) and that the incident commander could, and often is, a firefighter. However, he noted, patient care is administered and controlled by the AIC.

Supervisor Ford asked a question related to item number 10, entitled "Facilities, Equipment, and Supplies Provided". He asked how Fairfield and Glasgow squads would be reimbursed for use of their ambulances and equipment.

Mr. Suter indicated that no process had been worked out yet, but it will need to be addressed, in that there will be additional costs based on increased responses into mutual aid areas.

The Board of Supervisors agreed, by consensus, to issue the RFP.

Public Hearings

County Code Amendment- Transient Occupancy Tax

Chairman Higgins opened the public hearing at 6:00 P.M.

Mr. Suter advised that no public comments had been received to-date through the Administrative Offices.

Ms. Ann Russek of the Buffalo District spoke in favor of the Virginia Horse Center and commended the current Board of Supervisors for giving her a peace of mind as she followed the process leading to adoption of this amendment in the local newspaper. She then asked, should the additional lodging tax be increased the 1%, would there be any gap? She clarified by asking what would happen if the lodging tax could continue to increase beyond the debt service currently owed. She then asked what would happen to those excess dollars once the debt service was paid. She stated that she had heard that the excess dollars would be used towards safety improvements at the Horse Center, which then made her question what would

be considered a safety improvement.

Chairman Higgins responded to Ms. Russek's concerns, stating that the outstanding debt service (arrearage) will be not paid off until more than a year after the tax increase goes into effect. He stated that once the outstanding debt is paid, the Horse Center will then come before the EDA and make a detailed presentation on what is needed for safety improvements , at which time the Board of Supervisors will approve or disapprove of the request. He commended Ms. Russek for attending the Board meetings and for bringing her concerns forward Board. He then advised Ms. Russek that the current Board of Supervisors will continue to keep a close watch on the Horse Center and its management.

Ms. Russek then requested that she be made a member of the Blue Ribbon Panel in order to participate in meetings.

Chairman Higgins responded that he thought that this was an excellent idea and asked Ms. Russek to join the Blue Ribbon Panel as the Buffalo District representative.

Mr. Ben Day of the South River District shared his concerns over moving too fast. He asked that the Horse Center take it to heart that it is everyone's money that is being used. He thanked the Horse Center staff in attendance.

Chairman Higgins advised that Supervisor Campbell would be attending the meetings at the Virginia Horse Center Foundation board as the Board of Supervisors' representative.

With no further comments from citizens, Chairman Higgins closed the public hearing at 6:07 P.M.

Supervisor Hinty commended those who recently joined the Virginia Horse Center Board and staff for trying to fix the Horse Center. He stated that he does not care for "bail-outs" and asked where the money will come from if needed in the future should there be another economic downturn. He stated that he does not agree with paying for capital improvements but does support safety improvements.

Supervisor Campbell stated that the Board has carefully considered the agreement and additional lodging tax increase and feels that it is not so much as a bail-out as it is helping with jobs such as those working at hotels. He then noted that the tax increase will not be costing local tax payers - that visitors staying in hotels will be paying the tax.

Supervisor Campbell then moved to approve the County Code Amendment on the Transient Occupancy Tax. A second was provided by Supervisor Lewis, and the motion was approved by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE
ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JUNE 23, 2014

Ordinance to Amend and Reenact Chapter 25 – Taxation, Article IX – Transient Occupancy Tax, to Provide for Definitions, to Increase the Amount of Transient Occupancy Tax to 7%, to Provide for Collection, Records and Remittance of the Tax to the County, to Provide for Penalties and Interest Upon Failure or Refusal to Remit the Tax, to Authorize the Commissioner of the Revenue to Determine the Amount of Tax Due and to Establish Rules

and Regulations for Payment, Collection and Remittance of the Tax, to Provide That the Tax Will Be Immediately Due Upon Cessation of a Business, to Establish Criminal Penalties for Failure File a Return and Pay the Tax When Due, to Allow a 3% Commission to the Operator Collecting the Tax, and to Provide for Exemptions

BE IT ENACTED by the Rockbridge County Board of Supervisors that Chapter 25 – Taxation, Article IX – Transient Occupancy Tax, of the Rockbridge County Code is hereby amended and reenacted, pursuant to Section 58.1-3252 of the Code of Virginia (1950, as amended), as follows:

ROCKBRIDGE COUNTY CODE

Chapter 25

TAXATION

ARTICLE IX. TRANSIENT OCCUPANCY TAX

Sec. 25-176. Definitions.

The following words and phrases, when used in this Chapter, shall have the following respective meanings except when the context clearly indicated a different meaning:

Commissioner: The Commissioner of the Revenue of the County and any duly authorized deputies or agents.

Hotel: Any public or private hotel, inn, apartment hotel, hostelry, tourist home, house or cabin, motel, inn, rooming or boarding house or other lodging place within the County offering lodging for compensation to any transient.

Lodging: Space or room furnished any transient.

Person: Any individual, firm, partnership, society, association, company, corporation, or person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination or group of individuals of whatever form and character.

Lodging rental: The total charge made by any hotel or travel campground for lodging furnished to any transient, including the cost of all services when furnished with such space or room for a unit price.

Operator: The person who is the proprietor of the hotel or travel campground, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Section and shall have the same duties and liabilities as his principal. Compliance with the provisions of this Section by either the principal or the managing agent shall, however, be considered to be compliance by both.

Transient: Any person who, for a period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging as defined herein.

Travel campground: Any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling purposes during travel, recreational or vacation uses.

Treasurer: The Treasurer of the County and any duly authorized deputies, assistants, employees or agents.

25-177. Levy and amount.

There is hereby levied and imposed by the County, in addition to all other taxes and fees of every kind now imposed by law, on each transient, a transient occupancy tax of seven percent (7%) of the total amount paid for lodging rental by or for any transient to any hotel or travel campground, the revenues from which are allocated as follows:

- (1) Two percent (2%), pursuant to Code of Virginia, §58.1-3819, to the general fund of the County.
- (2) Three percent (3%), pursuant to Code of Virginia, §58.1-3819, which shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the County.
- (3) Two percent (2%), pursuant to Code of Virginia §58.1-3825, which shall be appropriated to the Virginia Horse Center Foundation to be used by the Foundation for the sole purpose of making principal and interest payments on a promissory note or notes signed or executed by the Virginia Horse Center Foundation or the Virginia Equine Center Foundation prior to January 1, 2004, with the Rockbridge Industrial Development Authority as the obligee or payee, as part of an agreement for the Authority to issue bonds on behalf of or for improvements at the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center. For purposes of this Subsection, such note or notes signed or executed prior to January 1, 2004, shall include any notes or other indebtedness incurred to refinance such note or notes, regardless of the date of refinancing, provided that such refinancing shall not include any debt or the payment of any debt for any activity relating to the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center that occurs on or after January 1, 2004. The tax imposed under this Subsection shall not be imposed after final payment of the note or notes described herein.

(Sec. 176 Amended by Ord. of 6-28-04, to be effective 8-16-04)

State law reference(s)--Authority for above tax, Code of Virginia, §58.1-3819.

Sec. 25-178. Collection.

All taxes imposed pursuant to this Article shall be collected by the operator of the hotel or travel campground from the transient or the person paying the lodging rental, at the time that payment of the lodging rental is made. All transient occupancy taxes collected pursuant to this Article shall be held in trust by the operator until reported and remitted to the County on or before the last day of the next calendar month.

(Ord. of 5-27-85, §2)

No operator of a hotel or travel campground shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

Sec. 25-179. Records.

Each and every operator of a hotel or travel campground shall keep complete records showing all occupancies for hire at their business, which records shall show the price charged for the occupancy of a room or space, the date thereof, the date of the payment thereof, and the amount of tax imposed hereunder. All such records shall be kept open for inspection by the duly authorized agents of the County at reasonable times, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.

(Ord. of 5-27-85, §3)

Sec. 25-180. Return and remittance of tax.

Each operator collecting the tax levied under this Article shall make a return, upon such forms and setting forth such information as the Commissioner may prescribe and require. Such return shall show the amount of lodging rental charges collected, the date thereof, and the tax required to be collected and remitted. The operator shall sign and deliver the same to the Commissioner, with a remittance of such tax, on or before the last calendar day of the next calendar month. Such returns and remittances shall be made monthly, and shall cover the amount of tax collected during the immediately preceding month. If the remittance is made by check or money order, the same shall be payable to the Treasurer of the County. All remittances received hereunder by the Commissioner shall be promptly delivered to the Treasurer.

Sec. 25-181. Interest and penalties upon failure or refusal to remit tax.

If any person shall fail or refuse to remit to the Commissioner of the Revenue the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, there shall be added to such tax by the Commissioner of the Revenue a penalty of ten percent (10%) of the tax due for the first month the taxes are past due, and five percent (5%) for each month thereafter, up to a maximum of 25 percent (25%) of the taxes collected but not remitted, or the taxes that should have been collected, or ten dollars (\$10.00), whichever is greater. The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failure or refusal to file a return as required under this Article.

If the tax shall remain delinquent and unpaid for a period of one (1) month from the date the same is due and payable, interest shall be charged on the unpaid balance at the rate of ten percent (10%) per year. Such interest shall accrue from the date on which the tax was due and payable.

Sec. 25-182. When the Commissioner of the Revenue to determine the amount of the tax due.

If any person required to collect and remit the tax imposed by this Article fails to file a return and remittance, or if the Commissioner of the Revenue has reasonable cause to believe that an erroneous statement or return has been filed, the Commissioner of the Revenue may proceed to determine the amount due to the County. The Commissioner of the Revenue shall provide notice and opportunity to be heard to any person who may become liable for the amount owing prior to any determination by the Commissioner of the Revenue.

Sec. 25-183. Tax immediately due and payable upon cessation of business.

Whenever any person required to collect and pay to the County a tax under this Article shall quit or otherwise dispose of his business, any tax payable under the provisions of this Article to the County shall become immediately due and payable, and such person shall immediately make a return and pay the tax due.

Sec. 25-184. Powers and duties of the Commissioner of the Revenue generally; rules and regulations.

The Commissioner of the Revenue shall ascertain the name of every person operating a hotel or travel campground in the County liable for the collection of the tax levied by this Article. The Commissioner of the Revenue shall have the power to adopt rules and regulations not inconsistent with the provisions of this Article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations shall be on file and available for public examination in the Commissioner of the Revenue's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section shall be a violation of this Article.

Sec. 25-185. Penalty for violation of this article.

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article shall be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is one thousand dollars (\$1,000.00) or less, then such failure or refusal to file shall be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more

than one thousand dollars (\$1,000.00), then such failure or refusal to file shall be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty shall be based on the amount due to the County as determined by the Commissioner of the Revenue pursuant to Section 25-182. Each such failure or refusal shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of such tax, plus penalties and interest, as provided in this Article.

Sec. 25-186. Commission for collection.

Where the tax here levied is collected by the operator of a hotel or travel campground, as the tax collecting medium or agency for the County and remitted to the County, such operator shall be allowed as a commission for the collection and remission of taxes, three percent (3%) of the amount of the tax collected and remitted. Said commission shall be in the form of a deduction from the amounts remitted. No commission shall be allowed on delinquent payments. Payments shall be considered delinquent if payment shall not be paid to the proper authority within five (5) days of the day said payments should have been made.

(Ord. of 5-27-85, §4)

Sec. 25-187. Exemptions.

The tax imposed by this Article shall not apply to:

- (1) Rooms or spaces rented for continuous occupancy by the same individual or group for thirty (30) or more days in a hotel or travel campground.
- (2) Lodging rental paid to any hospital, medical clinic, nursing home, convalescent home or home for the elderly or disabled.

(Ord. of 5-27-85, §5)

State law reference(s)--Similar provisions, Code of Virginia, §58.1-3819.

Secs. 25-188--25-190. Reserved.

The effective date of this Ordinance shall be August 1, 2014.

Adopted this 23rd day of June, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

******Chairman Higgins moved from the public hearings in order to discuss the Performance Agreement with the Virginia Horse Center and the EDA******

Consideration of Performance Agreement with VHC and EDA

Mr. Suter provided a brief recap of what had led to such an agreement. He explained that the 1% increase on lodging tax will help pay the debt service arrearage and help avoid future arrearage at the Virginia Horse Center. He continued to explain that the EDA has participated in drafting the agreement and have added their input in the "Whereas" paragraphs.

Director of Community Development and Clerk to the EDA, Sam Crickenberger, stated that, with the included amendments to the "Whereas" paragraphs, the EDA has recommended approval of the agreement.

Supervisor Ford asked to speak in response to Ms. Russek's concerns expressed during the public hearing on the lodging tax increase. He first thanked Ms. Russek for attending many of the meetings along the way to discuss the tax increase, and he confirmed that the Board has taken all of her questions and concerns to heart. He went on to explain the uses of the different percentages of the lodging tax. He indicated that, by increasing

the lodging tax an additional 1%, it will provide the Horse Center security by getting caught up on the arrearage and then going back to the USDA to renegotiate the terms and conditions of their loan. He noted that the additional 1% collected can be used for any tourism-related project and that it makes sense at this time to help the Horse Center. He clarified that once the debt of the Horse Center is caught up and the USDA loan is renegotiated, proceeds from the additional 1% tax could be used for other tourism-related projects in the County.

Supervisor Lewis spoke in response to Supervisor Hinty's concerns expressed in the previous public hearing. He stated that the approved increase makes use of the last 1% made available by the legislature.

Supervisor Campbell moved to approve the Performance Agreement between the County, EDA, and Virginia Horse Center. A second was provided by Supervisor Lewis, and the agreement was approved by unanimous roll call vote by the Board.

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

Chairman Higgins commended the new Virginia Horse Center Board members and new staff for their commitment to help get the Horse Center back on track.

Supervisor Lewis read aloud the following statement: "I would like to make a few remarks regarding this action which will contribute to the preservation of a vital and viable partner to our economic life and to regional tourism activity. It will ensure that the Virginia Horse Center

is able to be maintained as a premier equine facility not only in the commonwealth of Virginia, but also regionally, nationally, and even internationally. I am grateful to my colleagues for carefully reviewing in depth the conditions that contributed to this action and for their vision in understanding its necessity. Through this act, the County has protected its taxpayers from increased local taxation for the provision of services if the economic impact of the Horse Center were to vanish and by increasing a pass-through tax paid for by visitors to our community who are coming in increasing numbers to enjoy our amenities." He then added that he hopes that someday, we can come to refer to that locality to the west with another famous horse park as "The *other* Lexington".

Public Hearings Continued...

Board Salaries Ordinance

County Attorney Vickie Huffman briefly reviewed the Agenda Item: "Between May 1st and June 30th of each year, the Board of Supervisors is required to establish the annual salary of its members for the ensuing year, following notice and public hearing. For your reference, copies of the applicable statutes are attached - Va. Code § §15.2-1414.1, 15.2-1414.2, and 15.2-1414.3. Board salaries are currently set at \$5,500 per year, the maximum permissible under Va. Code §15.2-1414.3. No inflation factor has previously been approved and the Board has not had a salary increase since January 1, 1996. The Board must also establish the additional annual salary of the Chairman and the Vice-Chairman, currently set at \$1,800 for the Chairman and \$23 per week for the Vice-Chairman to serve during an extended absence of the Chairman, up to a maximum of

\$1,200 per year. A draft Ordinance is attached for the Board's consideration. In accordance with the Board's direction at the June 9th meeting, this draft is the same as the 2013 Ordinance, without any inflation factor increase and maintaining the reduced salary arrangement for the Vice-Chairman."

Chairman Higgins opened the public hearing at 6:24 P.M. There were no comments. Chairman Higgins closed the public hearing.

Supervisor Campbell moved to approve the ordinance on the Board of Supervisors' salaries. Supervisor Ford provided the second, and the ordinance 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,
JUNE 23, 2014

ORDINANCE TO ESTABLISH AND AUTHORIZE THE ANNUAL SALARY OF THE MEMBERS OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY AT \$5,500 PER YEAR, AND TO ESTABLISH THE ADDITIONAL ANNUAL SALARY OF THE CHAIRMAN AT \$1800, AND ADDITIONAL COMPENSATION TO THE VICE-CHAIRMAN AT \$23 PER WEEK TO SERVE AS SUBSTITUTE FOR THE CHAIRMAN DURING EXTENDED ABSENCES, UP TO A MAXIMUM OF \$1200 PER YEAR

WHEREAS, Virginia Code §15.2-1414.3 establishes the maximum annual salaries of members of boards of supervisors within certain population brackets, and allows for an annual adjustment by an inflation factor not to exceed 5%; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has heretofore established the annual salaries of Board members at the maximum of \$5,500.00, with the additional annual salaries of \$1,800.00 for the Chairman and \$1,200.00 for the Vice-Chairman; and,

WHEREAS, for the 2010-2011 fiscal year, the Board determined to reduce the additional compensation to the Vice-Chairman from an annual salary to an amount of \$23.00 per week, up to a maximum of \$1,200.00 per year, for serving in the place and stead of the Chairman during any extended absence; and,

WHEREAS, the Board has determined not to adjust the annual salary by an inflation factor and to continue the compensation to the Vice-Chairman based upon the time serving in the place and stead of the Chairman; and,

WHEREAS, the establishment of Board member salaries requires the adoption of an ordinance, following notice and a public hearing, which was held on June 23, 2014.

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

1. The annual Board member salary of \$5,500.00 is hereby established and authorized pursuant to Virginia Code §15.2-1414.3.
2. An additional annual salary of \$1,800.00 shall be paid to the Chairman of the Board.
3. Additional compensation shall be paid to the Vice-Chairman of the Board in the amount of \$23.00 per week, up to a maximum of \$1,200.00 per year, to serve in the place and stead of the Chairman during any extended absence.
4. That this ordinance shall be effective on and from July 1, 2014.

Adopted this 23rd day of June, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

South River Lease Agreement- Donale Clark

Ms. Huffman briefly reviewed the Agenda Item: "The County owns a number of properties on South River that were acquired in connection with the South River Flood Mitigation Project. The Open Space Policy adopted by the Board of Supervisors gives leasing priority to former property owners, then to adjoining. Donale L. Clark, the former owner, has been leasing the 2.095-acre portion of land identified as Tax Map #52-3-3K. He is interested in continuing to lease the parcel for another five (5) years. A copy of the tax map is attached for the Board's reference. In accordance with the Open Space Policy, the lease to Mr. Clark would be for a five (5) year period at a total annual rental of \$62.70, and would be subject to all of the conditions imposed on the property in connection with the FEMA grant. The proposed new lease is the same as the previous one, with appropriate date changes. Approval of the lease requires adoption of an Ordinance, following a public hearing. A proposed Ordinance is attached for the Board's review and consideration, as well as a copy of the proposed Lease Agreement."

Chairman Higgins opened the public hearing at 6:25 P.M. There were no comments. Chairman Higgins closed the public hearing.

Supervisor Campbell moved to approve the ordinance accepting the lease agreement. Supervisor Ford provided the second, and the ordinance 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, JUNE
23, 2014

ORDINANCE AUTHORIZING AND APPROVING EXECUTION OF LAND LEASE AGREEMENT WITH DONALE L. CLARK TO LEASE COUNTY-OWNED PROPERTY ACQUIRED IN CONNECTION WITH THE SOUTH RIVER FLOOD MITIGATION PROJECT, BEING A 2.095-ACRE PARCEL ON SOUTH RIVER ROAD IN THE SOUTH RIVER MAGISTERIAL DISTRICT OF ROCKBRIDGE COUNTY, IDENTIFIED ON THE ROCKBRIDGE COUNTY LAND RECORDS AS TAX MAP #52-3-3K

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

WHEREAS, the demolition of structures on these properties has been completed and the properties are to be maintained as open space, pursuant to the covenants and conditions imposed for compliance with the FEMA grant; and,

WHEREAS, on March 13, 2006, the Board of Supervisors adopted the 'South River Flood Mitigation Project Open Space and Land Lease Policy' and the Board has determined that those properties not located on South River be leased to interested parties as provided in the Policy; and,

WHEREAS, Donale L. Clark is the former owner of the parcel on South River Road described as 2.095-acre, Tax ID #52-3-3K, located in the South River Magisterial District, Rockbridge County, Virginia, and has been leasing the subject parcel since 2009; and,

WHEREAS, Mr. Clark has expressed an interest in continuing to lease the subject parcel for another five (5) years; and,

WHEREAS, the lease of said property requires the adoption of an ordinance, following notice and a public hearing, which was held on June 23, 2014.

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

1. That lease of the parcel on South River Road described as 2.095 acres, Tax ID #52-3-3K, located in the South River Magisterial District, Rockbridge County, Virginia, and shown upon a plat of record in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, as Instrument No. 060005144, to Donale L. Clark, for an additional period of five (5) years at a total annual rental of \$62.70, payable annually in advance, is hereby authorized and approved, subject to the Covenants and Conditions for Open Space, a copy of which is attached hereto as Exhibit A.

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

3. That the County Administrator is hereby authorized to execute a land lease agreement on behalf of the Board of Supervisors of the County of Rockbridge and to execute such other documents and take such further actions as are necessary to accomplish this transaction, all of which shall be upon form and subject to the conditions approved by the County Attorney.

4. That this ordinance shall be effective upon the date of its adoption.

Adopted this 23rd day of June, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

Acceptance of Highland Belle School Property

Ms. Huffman explained that the School Board had recently taken formal action to declare the Highland Belle School property as surplus. She added that the proposed resolution will accept the surplus property on behalf of the County and also will authorize the County Administrator to execute the Deed as well as a Possession Agreement with the School Board that will allow them to retain possession of the school until the end of December, 2014.

Supervisor Ford moved to accept the property under the terms of the resolution. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JUNE 23, 2014

**RESOLUTION TO AUTHORIZE THE ACQUISITION AND ACCEPTANCE OF
SURPLUS PROPERTY FROM THE ROCKBRIDGE COUNTY SCHOOL BOARD,
NAMELY THE FORMER HIGHLAND BELLE ELEMENTARY SCHOOL LOCATED IN
THE KERRS CREEK MAGISTERIAL DISTRICT**

WHEREAS, the Rockbridge County School Board (the "School Board") Administrative Offices are located at the former Highland Belle Elementary School ("Highland Belle") on Big Spring Drive in the Kerrs Creek Magisterial District of Rockbridge County, Virginia; and,

WHEREAS, the School Board has authorized moving its administrative offices to the former Effinger Elementary School ("Effinger"); and,

WHEREAS, the former Highland Belle Elementary School will no longer be used or needed for school or public education purposes; and,

WHEREAS, by Resolution adopted on June 19, 2014, the School Board has declared the Highland Belle property as surplus and authorized conveyance of the property to the Board of Supervisors of Rockbridge County, subject to retaining possession of Highland Belle through December 31, 2014, to allow adequate time for planning, modifications and moving to Effinger.

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

1. That the acquisition and acceptance of the real estate, known as the Rockbridge County Schools Administrative Offices, formerly the Highland Belle Elementary School, located on Big Spring Drive in the Kerrs Creek Magisterial District of Rockbridge County, Virginia, as more particularly described on Exhibit A attached hereto and by reference incorporated herein, be, and hereby is, authorized and approved.

2. That the acquisition shall be subject to the School Board's reservation of the right to continue possession, use and occupancy of the property through December 31, 2014, pursuant to an agreement with the County.

3. That the County Administrator is hereby authorized to execute the deed, the agreement, and such other documents, and to take such other actions, on behalf of the Board of Supervisors, as are necessary to accomplish the acquisition and acceptance of the real estate described herein, all of which shall be approved as to form by the County Attorney.

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

Adopted this 23rd day of June, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

EXHIBIT A

All of that certain tract of land, with all rights and appurtenances thereunto belonging, lying and being in Kerrs Creek Magisterial District of Rockbridge County, Virginia, on the north side of State Road number 631 (Big Spring Drive), to the north of Kerrs Creek, containing eight (8) acres, and being described by metes and bounds as follows:

Beginning at (1), as shown on the plat of survey made by D.E. Brady, Surveyor, recorded in the Clerk's Office of the Circuit Court of Rockbridge County in Deed Book 227, at page 450, a fence post on the north side of state road number 631, in line of land of James M. Laird's Heirs, thence with said line N. 27° 00' E. 13.63 chains to #14, a stake or pipe; thence by new lines, S. 63° 00' E. 6.50 chains to #15, a stake or pipe, S. 27° 00' W. 11.58 chains to #16, a stake or pipe at fence on north side of road; thence with north edge of right of way of the said road, N. 75° 25' W. 4.95 chains to # , a fence post, N. 89° 30' W. 0.87 chain to number 6, a fence post, and S. 82° 25' W. 1.04 chains to the beginning being shown on said plat as Tract 1-A. (Magnetic Declination, March 24, 1955, about 3° 40' West).

This being the same real estate conveyed to the County School Board of Rockbridge County, Virginia, by deed dated May 12, 1955, from Emmett L. Tardy and Theresa G. Tardy, his wife, of record in the aforesaid Clerk's Office in Deed Book 227, page 449.

The above-described property is identified upon the Rockbridge County Land Records as Tax Map #47-A-50.

Consideration of a Performance Agreement regarding Highland Belle Property

Chairman Higgins read aloud the following statement: "As you are aware, the schools and the County agreed in January to move the County School Administrative Offices. We are very appreciative of the School Board and Administration for being willing to move to Effinger, which brings a school which has been sitting vacant since 2010 back into

beneficial use. We just now accepted the Highland Belle property from the schools and obviously, this provides an opportunity. It has been clear that marketing schools is a very difficult task. In consultation with the Commonwealth Cardinal Committee and professionals with the Shenandoah Valley Economic Development Partnership, we came to the realization that a perfect solution to a vacant school is rare. However, we think we have found one that is pretty close. Before going further, I want to explain the thought process behind our deliberations. Viewing this as an opportunity rather than a challenge, we generally focused on the following criteria:

- Bringing the school back onto the tax rolls
- Limiting expenditure in improving the facility
- Providing local jobs
- Finding a stable, proven business, with limited adverse impact to the area
- Providing increased income via personal property and/or machinery and tools taxes
- Providing additional benefits to the community wherever possible
- Moving quickly yet carefully to limit taxpayer expenditures in maintaining an empty building

"We were fortunate in that an opportunity surfaced which meets all these goals and more. The Board and EDA have been in discussions with BARC electric which, at this point, does not have a local base of operations to serve their Rockbridge County customer base. Tonight, we are considering an agreement with BARC which, after due diligence, would transfer the

property to BARC to use as a base of operations for their Rockbridge County service area. Many of you may not know it, but approximately 55% of BARC customers are in Rockbridge County. However, their base of operations is in Millboro. This move would allow for quicker, more efficient service to our residents. In addition it would:

- Put the property back onto the tax rolls
- Relieve the County of standard and capital maintenance costs
- Bring 8 BARC personnel and 6 vehicles to Rockbridge
- Allow for additional, future projects and partnerships with BARC, including the potential for solar power generation.
- And we can do this without having to do any upgrades to the building or property.

"The annual tax revenues to the county are expected to exceed \$23,000. Add to that estimated savings in utility and maintenance costs and we are looking at over \$62,000 in annual benefit to the County. Before the Board is a performance agreement that has been vetted by County staff, the Board and EDA, and has been agreed to in principle by BARC. The agreement provides for a due diligence period wherein BARC would, at its cost, ensure that the property does not contain any surprises such as hazardous materials, which we certainly don't expect to see - and another cost which we expect to avoid. Assuming that goes well, a public hearing would take place at a future date, to include consideration of a special exception permit for the utility operation in an agricultural district. Tonight, I am proud to bring this project forward. We are glad to have with us Gene Tilles, Vice Chair of the EDA. Chairman Lynn Jones was out

of town and could not attend. Similarly, BARC Chair Keith Swisher had a prior engagement and CEO Mike Keyser is out of town on BARC business. At this time, I'd like to ask my colleagues on the Board of Supervisors, and Mr. Tilles, if they would like to bring forward any additional comments or discussion."

Mr. Tilles spoke in favor of the project, stating that it seems to be a win-win situation.

Mr. Crickenberger stated that the EDA was in favor of the Performance Agreement and the proposed use of the facility.

Supervisor Ford stated that he had been in discussions with Keith Swisher, President of the BARC Board, for a number of years on ways BARC can become a more environmentally friendly partner in our community; now it seems the opportunity is at hand. He noted that BARC is looking to build solar power generators on the Highland Belle property and to maintain them for use by participating members of the cooperative.

Supervisor Ford moved to authorize the Chairman of the Board of Supervisors to execute the proposed Performance Agreement with BARC. 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

Appointments

Board of Trustees of the Rockbridge Regional Library- Paul Leonhard's term expires 6/30/14

Supervisor Lewis moved to reappoint Paul Leonhard to the Board of Trustees of the Rockbridge Regional Library. 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

Maury Service Authority (MSA)- Richard Trandel's term expires 6/30/14

Supervisor Campbell moved to appoint J.D. Goad to the MSA in place of Mr. Richard Trandel. 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

Rockbridge Regional Communications Center Management Board- Michael Sandridge and Jon "Kris" Whitesell's terms expire 6/30/14

Supervisor Campbell moved to reappoint Michael Sandridge on the Rockbridge Regional Communications Center Management Board. 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

Mr. Suter advised that Mr. Whitesell had requested to step down from his position as alternate on the Board. This appointment was moved to the July 14th Agenda.

Shenandoah Valley Partnership- Sam Crickenberger's term expires

6/30/14

Supervisor Lewis moved to reappoint Sam Crickenberger to the Shenandoah Valley Partnership. 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

Director of Fire and EMS Selection Advisory Committee

Mr. Suter asked the Board to appoint a Board Member and a citizen representative to this committee, which will help select a new Director of Fire and EMS.

Supervisor Ford moved to reappoint Supervisor Campbell, who previously served on this committee. 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

Supervisor Campbell moved to reappoint Bob Gilbert as the citizen representative, who previously served on this committee. 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

Board Comments

Supervisor Hinty thanked County staff as well as School Administration staff for helping with the moving of school offices.

Adjourn

With no further business to discuss, the meeting was adjourned at 6:41 P.M. upon a motion by Supervisor Campbell, a second by Supervisor Hinty, and unanimous vote by the Board.