

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, SEPTEMBER 22, 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
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: ROBERT FORESMAN, JEREMY GARRETT, BRANDY WHITTEN

Call to Order

Chairman Higgins called the Work Session to order at 4:35 P.M.

Discussion on use of UAV (Unmanned Aerial Vehicle) for Emergency Services

County Administrator Spencer Suter indicated that much discussion has arisen lately regarding use of a "Quad Copter" for assisting in an emergency situation. He explained that in the Spring of 2014, a personal UAV was used to assist in a river rescue at Balcony Falls. He stated that since then, in June 2014, the Director of Fire and EMS presented a request to procure a UAV using LEMPG funds and matched with County funds already budgeted. Since the request, Mr. Suter noted, the proposed LEMPG funds have been expended in other areas.

Supervisor Lewis shared that this will be an excellent use of funds and also a great benefit to the County. He gave his approval to move ahead with purchase of this equipment.

Supervisor Hinty agreed with Supervisor Lewis's comment and stated that this would be a huge asset to the County and will help save lives. He strongly advised that the equipment be used in the right way for the right reason.

Supervisor Campbell agreed that this equipment would indeed be an asset for the County to use and has no problem with having the Sheriff and Emergency Management Coordinator be in complete control of the Quad Copter. He agreed that this piece of equipment must be used in the right way, and should it not, the Board of Supervisors will take necessary action.

Supervisor Ford advised that three (3) helicopters were used to search for a man in the Arnolds Valley area last year at significant cost. He then recounted his experience with that residents near the Kerrs Creek airstrip when that use was approved; many feel they own the airspace above their property to a certain altitude. Given this sentiment, he would like for the Board to afford citizens every opportunity to express their opinions on County UAV policy. He also advised that, lately, F18's have been flying somewhat low throughout the County and wondered if Quad Copter operations might interfere with their airspace. He asked that someone contact the military or FAA to see if they foresee any problems.

Chairman Higgins indicated that he agrees with demanding that the equipment be used properly. He suggested that the Sheriff be solely responsible for operations of the equipment because the Code of Virginia states that the Sheriff is in control of Search and Rescue. He recommended that someone speak with the Sheriff to make sure he is willing to be in

control and to suggest that just three (3) or (4) staff members be trained to use the equipment.

Mr. Suter suggested that he, the Emergency Management coordinator, the Sheriff, and one citizen representative meet as an exploratory committee to discuss all concerns mentioned.

Chairman Higgins requested that the new Director of Fire and EMS be involved in the meeting. He authorized Mr. Suter to pick a citizen representative of his choice for this committee. He then asked that the Board be informed of all costs associated with purchasing this piece of equipment, including training costs.

Mr. Suter confirmed that he would select a citizen representative and following the meeting would bring back answers related to the concerns expressed, and that he would also work on finalizing a draft policy manual on use of the equipment.

Supervisor Ford asked the Emergency Management Coordinator, Robert Foresman, if infrared sensors could be attached to the Quad Copter to better assist in nighttime operations.

Mr. Foresman confirmed that infrared sensors could be attached as well as a hazmat module. He advised that Quad Copters are flown below 400 feet to minimize the risk of losing control of the equipment.

Chairman Higgins noted that, after speaking with Sheriff Randy Fisher of Augusta County, this piece of equipment would have been of great use during the time of the recent plane crash of an F-15 fighter jet in August County.

Discussion regarding future options for the Solid Waste Authority

Mr. Suter explained that, during late winter of 2014, the City of Lexington agreed to join the County in a new lined landfill. Since then, he explained, he and the Lexington City Manager have worked on a draft agreement. He explained that the draft agreement has been presented to the Board of Supervisors once before, but since its first presentation, there has been a proposed revision. He further explained that the draft agreement states, "generally, the terms established in the 1995 Solid Waste Agreement covering Operations and Finance to be adopted by the Authority". He noted that the Solid Waste Committee has been discussing the issue, and all feel it would be beneficial to create a truly operational Solid Waste Authority to focus solely on landfill operations. He explained that features of an authority would include: The Director of Solid Waste would report directly to the Solid Waste Authority; Authority operations would separate out collection services, which would stay with the County and City; the County and/or City of Lexington could contract with the SWA for collection services; and the Solid Waste Authority would become a true enterprise entity both fiscally and operationally. He advised that, should the Board agree to pursue this concept, the Solid Waste Committee and staff will continue to work on a draft agreement to include implementation schedule and plan, with ongoing coordination with the City Manager to ensure continued collaborative planning.

Supervisor Campbell stated that creating an authority would make the financial side of operations easier.

Supervisor Ford asked the Virginia Resource Authority [VRA] would view this move when it came time to issue bonds.

Finance Director Steven Bolster informed Supervisor Ford of conversations he has previously had with VRA, at which time VRA ensured Mr. Bolster that they would look favorably on the lined landfill expansion no matter the composition of the borrowing entity.

Mr. Garrett stated that the proposal would provide the Authority with more control over finances.

Mr. Suter noted that this proposed change to the draft agreement has been provided only to the City Manager for consideration - not City Council.

Supervisor Hinty asked if the Solid Waste Authority would need to have its own Finance Director.

Mr. Bolster advised that indeed, should the Solid Waste Authority staff grow, it would need someone to control its finances.

Mr. Suter stated that the staff would not necessarily need to grow, as the Director of Solid Waste and Transportation would become the Executive Director of the Solid Waste Authority. The County could possibly continue being the fiscal agent, or the SWA Executive Director could also serve as the Finance Director.

Mr. Garrett indicated that this would allow a more formal way of handing business related to the Solid Waste Authority.

Chairman Higgins shared his support or the opinions of the two Supervisors who are members of the Solid Waste Committee. He likewise

supported the proposed change to the draft agreement and asked for this change to be made as soon as possible.

Supervisor Lewis expressed several concerns regarding citizen complaints regarding the convenience of recycling centers. He requested that the Solid Waste Committee give extra thought to this to speed things up.

Mr. Garrett responded to Supervisor Lewis's concerns, clarifying that SCS Engineers have sent out a team of individuals to give a draft response of their upcoming Solid Waste Comprehensive Plan by mid-October.

Supervisor Lewis indicated that one of the principal services the County provides is handling solid waste. He then shared his concern on hours being cut back for those staff members working at the recycling centers. He wondered whether or not these positions should include benefits.

Chairman Higgins agreed with Supervisor Lewis's comments and added that he thinks it is very important that staff at manned sites should be courteous and help senior citizens.

Mr. Suter stated that, for every complaint, he receives multiple compliments. He pointed out that new healthcare laws have forced the County to reduce available hours for staff; the alternative is increasing property taxes to help assist with the cost of benefits. He agreed with staff members and their frustration.

Supervisor Campbell shared that he has never once passed the Fairfield collection center without seeing staff assisting residents. He

stated that all the other concerns will work themselves out once the lined landfill is complete.

Mr. Garrett advised that solid waste staff will receive a memo reminding them of their responsibilities and what he expects of them on the work site.

Supervisor Lewis stated that the Greenhouse Road collection center is excellent in this regard [helping citizens].

Mr. Garrett then advised that several staff members have shared that it is not being worth their time to get paid for fewer hours per week and also be expected to travel so far to work sites. He tries to schedule staff at collection centers nearest to their homes so they do not have long travel times.

Supervisor Hinty agreed, noting that he believes that it isn't worth staff's time traveling long distances and receiving no benefits, with reduced hours. He suggested that those working at sites not nearest to their homes be reimbursed for fuel mileage.

Mr. Suter stated that mileage reimbursement would need to be applied to all staff in order to make it fair.

Supervisor Ford asked if community service workers still helped out at the landfill or collection centers.

Mr. Garrett indicated that he still accepts the help, that but often, when a community service worker is scheduled to work, he/she does not show up.

Chairman Higgins closed the Work Session at 5:24 P.M.

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, SEPTEMBER 22, 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
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: SAM CRICKENBERGER, CHRIS SLAYDON, BRANDY FLINT,
JEREMY GARRETT, BRANDY WHITTEN
EDA MEMBERS: GENE TILLES, ROBBIE FAULKNER, B.G. LOCHER,
STEPHEN BECK, JOHN WHITESELL

Call to Order

Chairman Higgins called the meeting to order at 5:32 P.M.

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

Recognitions/Presentations

Chairman Higgins called for recognitions and presentations.

County Administrator Spencer Suter recognized the Glasgow Volunteer Fire Department, Glasgow Volunteer Rescue Squad, Natural Bridge Volunteer Fire Department, Buena Vista Rescue Squad, Buena Vista Fire Department, Lexington Fire Department, and Emergency Management Coordinator Robert Foresman for their collective contributions to a search and rescue operation in 2012, when a bear hunter had fallen off a cliff in a remote area near Arnolds Valley. He stated that Carilion offers an EMS Excellence Award - the "Carol Gilbert Award" - which was awarded to Glasgow Volunteer Fire Department, in cooperation with the agencies and individuals listed above. He commended all involved for their efforts, not only on this call, but on everyday responses.

Chairman Higgins asked Mr. Suter to prepare a letter to all involved, commending them for their services.

Citizens 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.

Supervisor Ford added a Closed Meeting as permitted by Virginia Code §2.2-3711(A)(1), a personnel matter involving performance evaluation, job assignments or salaries of specific officers, appointees or employees. He asked that this Closed Meeting be held at the end of the meeting.

Approval of Minutes for September 8, 2014

Supervisor Ford moved to approve the September 8, 2014 Minutes as presented. Supervisor Campbell provided the second, and the Minutes were approved by unanimous roll call vote by the Board.

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

Presentation by the Virginia Horse Center regarding Conservation

Easement and Refinancing Options

Virginia Horse Center (VHC) Treasurer, Tom Clarke, introduced the following: Glen Petty, Interim Executive Director of the VHC; Taylor Cole, President of Conservation Partners, LLC; and Jeff Waldon, Executive Director of Virginia Conservation Legacy Fund. Mr. Clarke provided a

financial update on the VHC. He then laid out VHC plans for raising money for improvements to facilities. He noted that it has been 27 years since the VHC invested in any maintenance projects at the facilities. VHC plans to raise the necessary funds in three ways: first, \$2.5 million in cash to be donated and/or raised by VHCF Board Members; second, placing a conservation easement on that portion of VHC that can remain as open space, with an expected yield in saleable tax credits of \$2.5 million; and third, refinancing the current USDA loan for an additional \$5 million.

Supervisor Campbell asked what terms the VHC intends to ask for when refinancing. Mr. Clarke replied that they would like to refinance in order to have \$5 million in hand for renovations specifically, and to decrease the interest rate in order to keep the payments the same. Transferring the loan package to VRA is also an option.

Supervisor Campbell shared his concern over the VHC's relying on the 3% lodging tax when, in reality, it is just a two (2) year agreement and they may not receive that money afterwards - or a new Board may not agree with giving the 3% to the VHC.

Chairman Higgins expressed disappointment that the VHC had not been informing the Rockbridge Board of Supervisors' representative on the VHCF Board of all meetings that have taken place. He stated that the Board of Supervisors named Supervisor Campbell as the liaison to the VHCF Board so that he could attend all meetings and keep the other Supervisors abreast of developments.

Supervisor Campbell shared a concern related to the conservation easement. He stated that there was talk at previous meetings about a study

and Master Plan. He wondered whether, should the Board approve the conservation easement, the Master Plan would only address the land not included in the easement.

Supervisor Ford asked who would hold the easement. Mr. Clarke responded that either the Virginia Outdoors Foundation or the Virginia Department of Conservation and Recreation could hold it. Mr. Ford then asked about the status of long-term accounts unpaid. Mr. Clarke replied that payback terms of up to two years have been structured with creditors, with repayment coming out of current operating funds.

Chairman Higgins indicated that the Board has a great deal of information to digest. He repeated that he still has some serious concerns.

Public Hearings

Solid Waste Disposal Fees for Electronics

County Attorney Vickie Huffman reminded the Board of a previous discussion to schedule a public hearing on adoption of a fee table for all electronic waste. She recommended approval of the proposed resolution adopting the E-Waste Table following a public hearing.

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

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

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

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, SEPTEMBER 22, 2014

Resolution to Confirm Solid Waste Disposal Fees for the Rockbridge County Landfill and to Establish New Fees on Disposal of CRT Televisions, Monitors, and Projection Televisions (Excluding Flat Panels) to Cover the Cost for Proper Disposal and Recovery

WHEREAS, the Rockbridge County Solid Waste Authority was formed in 1991 to acquire, purchase, lease, construct, reconstruct, improve, extend, equip, operate, maintain and finance a garbage and refuse collection and disposal system pursuant to the former Virginia Water and Sewer Authorities Act, now the Virginia Water and Waste Authorities Act, Va. Code §§15.2-5100, et seq.; and,

WHEREAS, the Rockbridge County Solid Waste Authority is authorized to set rates, fees and charges for the use of, and for the services furnished by, the existing regional landfill; and,

WHEREAS, staff has identified a need for a means of proper disposal for electronic waste and has made arrangements with Scott Recycling of Knoxville, TN, to take e-waste recyclables; and,

WHEREAS, staff has recommended establishing new fees for processing CRT televisions, monitors, and projection televisions (excluding flat panels) to cover the cost associated with proper disposal and recovery of those items; and,

WHEREAS, public notice has been provided and a public hearing was held on the setting of rates and fees for the Landfill on September 22, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Rockbridge County Solid Waste Authority that the Master Fee Schedule attached hereto as Exhibit A and by reference incorporated herein, specifically including the new rates for disposal of electronic waste, be and hereby is approved and adopted.

This resolution shall be effective upon the date of its adoption.

Adopted this ____ day of September, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY SOLID WASTE AUTHORITY

By: _____
Chairman

Attest: _____
Spencer H. Suter, Secretary

EXHIBIT A

Allowable Waste		
Customer	Tipping Fee	Unit
Rockbridge County	\$37.90	Ton
Lexington City	\$37.90	Ton
Buena Vista City	\$34.15	Ton
Tires		
Light Auto/ Truck Tires	\$1.50	Pce
Light Auto/ Truck Tires - On Rim	\$3.00	Pce
Recreational / ATV Tires	\$1.50	Pce
Over the Road Tires (Over 20")	\$8.00	Pce
Over the Road Tires - On Rim (Over 20")	\$16.00	Pce
Farm Tractor (Rear Tires)	\$8.00	Pce
Farm Tractor - On Rim (Rear Tires)	\$16.00	Pce
Heavy Equipment	\$186.00	Ton
CRT Televisions/Monitors/Projection Televisions		
CRT Television / Monitor (>19")	\$11.00	Pce
CRT Television / Monitor (<19")	\$6.00	Pce
Projection television	\$30.00	Pce

* Difference in base tipping fee accounts for future funding cell design/permitting/construction

** All CRT television, monitor, and projection television fees are based on combined averages for an estimated weight

*** The above published fees are separate from any fee or tax that may be billed out by any partner locality to their citizens or businesses

Special Exception - Irby Construction Co. - Manufactured Office trailers in I-1

Assistant Director of Community Development Chris Slaydon briefly reviewed the agenda item while providing the Board with a presentation showing the area being discussed. Irby Construction Co. has applied for a special exception permit to place two temporary manufactured office trailers in the General Industrial District (I-1) per Section 707.00-5 of the Land Development Regulations. They have been contracted by Dominion to replace the 500,000 volt transmission line from Doods to the Lexington substation with a second lower voltage line installed below, and they need temporary offices for two years. The office trailers will be placed near the newly-created Dominion lay-down yard at White's Travel Center. The Planning Commission has recommended approval of this application.

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

Supervisor Hinty abstained from all voting matters pertaining to this public hearing, as he is a Dominion employee.

Supervisor Campbell moved to adopt the proposed ordinance granting the Special Exception Permit. Supervisor Lewis provided the second, and the ordinance was adopted based on the following roll call vote:

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

Ordinance Granting A Special Exception Permit To Irby Construction Company to Install Two Temporary Manufactured Office Trailers in the General Industrial District (I-1), at the Property Owned by BJB Properties LLC and Located off of the South Side of Commerce Park Drive, Which is off of the West Side of Steeles Fort Road (Tax Map No. 28-2-A1) in the South River Magisterial District

WHEREAS, Irby Construction Company has filed an application for a special exception permit to install two temporary manufactured office trailers on the property owned by BJB Properties, LLC, and designated on the Rockbridge County Land Records as Tax Map No. 28-2-A1, to house the administrative personnel associated with the Transmission Line Construction Project for Dominion Power Company; and,

WHEREAS, the proposed installation location is in the General Industrial District (I-1), located off of the south side of Commerce Park Drive, west of Steeles Fort Road in the South River Magisterial District; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this application on September 10, 2014, and recommended approval of the special exception permit to the Board of Supervisors; and,

WHEREAS, after public notice pursuant to Va. Code § 15.2-2204 and §802.03-4 of the Rockbridge County Land Development Regulations, the Rockbridge County Board of Supervisors held a public hearing on the adoption of this Ordinance on September 22, 2014; and,

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

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

1. That the Board finds that the granting of a special exception permit to Irby Construction Company to install two temporary manufactured office trailers in the General Industrial District (I-1), on property owned by BJB Properties, LLC, located off of the south side of Commerce Park Drive, west of Steeles Fort Road, and identified upon the Rockbridge County Land Records as Tax Map No. 28-2-A1, 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 until September 30, 2016.

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 22nd day of September, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Special Exception - Rockbridge Stone - Expand existing mining operation in A-1/A-2

Mr. Slaydon briefly reviewed the Agenda Item: "Rockbridge Stone has applied for a special exception permit to expand their mining operation in the Agricultural and General Uses District (A-2) and the Agricultural and Limited Uses District (A-1), per Sections 603.03-13 and 602.03-5 of the Land Development Regulations. They have an opportunity to buy an adjoining 105 acres which would allow them to stay in operation for many more years, but they need to be certain the Board will approve this land use decision prior to executing a contract. The enclosed plan shows the area proposed

for future mining and a proposed buffer from adjoining properties along Lone Jack Road. The Planning Commission recommended approval of this application with conditions." He then read aloud Exhibit A as follows:

1. Final approval of expanded mining plan by DMME.
2. No mining to be allowed within 100 feet of the northern property line with Tax Map #98-15-2B and Tax Map #98-15-2C, or within 250 feet of Lone Jack Road, as shown on the plan prepared by Perkins & Orrison dated August 12, 2014, and revised September 12, 2014.
3. Areas within the 100 year flood plain will only be used for storage and processing of stone products.

Roy Simmons, owner of Rockbridge Stone, stated that he did agree with the Planning Commissions conditions; however, he requested to change both set-backs. He asked to change #2 of the conditions to state: No mining to be allowed within 200 feet of the northern property line with Tax Map #98-15-2B and Tax Map #98-15-2C or within 100 feet from Lone Jack Road.

Chairman Higgins opened the public hearing at 6:44 p.m.

Sharron Gorrell, a neighboring owner, requested that the Special Exception Permit be denied or delayed until more information is received. She stated her belief that wildlife and streams will be impacted if the Board decides to approve this permit.

Wesley Sheppard asked for Mr. Simmons to explain why he felt it was necessary to reduce the 250 foot set-back along Lone Jack Road.

Robert Gorrell, Ms. Gorrell's husband, shared his concerns of how this mining will negatively impact the surrounding area and possibly

remove the existing natural barrier. He suggested that TM#108-1-B1 not be included in the approval or at minimum that there be no mining allowed within 400 feet of the northern property line.

Torben Pedersen spoke in favor of the Special Exception Permit, stating that this could help increase employment.

Chairman Higgins closed the public hearing at 7:01 p.m.

Supervisor Ford asked Mr. Simmons if the mining depth is limited to the grade of the Maury River. Mr. Simmons indicated that mining at the existing quarry is currently below the grade of the river.

Supervisor Campbell asked if the Planning Commission took into consideration the maximum and minimum slopes. Mr. Slaydon stated that the Planning Commission had not discussed the maximum or minimum slopes.

Supervisor Ford then asked Mr. Orrison how surveyors measure sloped land when making plats. Mr. Orrison replied that all plats are based on horizontal distances, so steeper slopes lead to greater distance on the ground between Mr. Gorrell's boundary and the proposed limit of mining activity.

Supervisor Campbell moved to adopt the ordinance with the following conditions:

1. Final approval of expanded mining plan by DMME.
2. No mining to be allowed within 200 feet or the crest of the ridge, whichever is greater, from the northern property line with Tax Map #98-15-2B and Tax Map #98-15-2C and 100 feet from Lone Jack Road as shown on the plan prepared by Perkins & Orrison dated August 12, 2014, and revised

September 12, 2014.

3. Areas within the 100 year flood plain will only be used for storage and processing of stone products.

Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, SEPTEMBER 22, 2014

Ordinance to Grant a Special Exception Permit For Expansion of Existing Mining Operations on Properties Owned By Evelyn Shepherd (Tax Map Nos. 98-A-22 and 108-1-B1) Located in the Natural Bridge Magisterial District of Rockbridge County Upon Application of Rockbridge Stone Products, Inc.

WHEREAS, the Planning Commission has held a public hearing on this matter on September 10, 2014; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on September 22, 2014; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the

policies of Rockbridge County and the public interest.

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

1. That the Board finds that the granting of a special exception permit to Rockbridge Stone Products, Inc., to expand their mining operations onto properties currently owned by Evelyn G. Shepherd and identified upon the Rockbridge County Land Records as Tax Map No. 98-A-22 and Tax Map No. 108-1-B1 in the Natural Bridge Magisterial District of Rockbridge County, shown on the 'Special Exception Plan' dated August 12, 2014, revised September 12, 2014, a copy of which is on file in the office of the Clerk to the Board of Supervisors, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended) and said special exception permit is hereby approved with and subject to the conditions set out on Exhibit A attached hereto and incorporated herein by reference.

2. That this action is taken upon the application of the property owner, Evelyn G. Shepherd, and the contract purchaser, Rockbridge Stone Products, Inc.

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

Adopted this 22nd day of September, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____

Spencer H. Suter, Clerk

EXHIBIT A

**ROCKBRIDGE STONE PRODUCTS, INC.
SPECIAL EXCEPTION PERMIT CONDITIONS
FOR MINING OPERATIONS:**

1. Final approval of expanded mining plan by DMME.
2. No mining to be allowed within 200 feet or the crest of the ridge, whichever is greater, from the northern property line with Tax Map #98-15-2B and Tax Map #98-15-2C and 100 feet from Lone Jack Road as shown on the plan prepared by Perkins & Orrison dated August 12, 2014, and revised September 12, 2014.
3. Areas within the 100 year flood plain will only be used for storage and processing of stone products.

Special Exception - Reginald Schofield - holding yard in B-1

Mr. Slaydon briefly reviewed the Agenda Item: "Reginald Schofield has applied for two special exception permits to locate two holding yards in the County in order to serve the interstate with his wreckers.

"The first application is for a lot next to his existing Fairfield repair shop on a portion of Bobby Smith's property in the General Business District (B-1), per Section 605.03-13 of the Land Development Regulations.

The lot will be screened by a minimum ten foot privacy fence (six feet on the rear) and no more than 10 vehicles will be held at any given time. Vehicle removal operators are licensed through the DMV and holding yards are regulated by Section 23-103 of the County Code, which is enclosed. The Planning Commission recommended approval of this application with conditions." Mr. Slaydon then read aloud those conditions as follows:

1. Install a ten foot solid board fence along the south, east and north sides of the yard allowing for a gate on the south side facing Mr. Schofield's shop. A six foot solid board fence to be constructed on the west side.
2. Landscape fabric topped with asphalt milling material shall be placed over the yard area.
3. Pine trees shall be planted outside of the fence every twenty feet along the east and north sides of the yard.
4. No more than ten vehicles shall be held within the yard at any given time.
5. Yard shall meet all requirements of Section 23-103 of the County Code.
6. Yard shall be licensed through the DMV as a vehicle removal operator.

After identifying the Fairfield tract, and following his presentation, Mr. Slaydon stated that the Planning Commission recommended approval with the conditions presented following the public hearing.

Supervisor Ford asked if Mr. Schofield would be able to navigate into the proposed site while towing a tractor trailer. Mr. Slaydon confirmed

that he would, since his shop is across the driveway from the permitted yard entrance gate.

Chairman Higgins opened the public hearing at 7:17 p.m.

Perry Mace of the Walkers Creek Magisterial District asked the Board to deny this Special Exception Permit due to the state of disarray of the adjacent Schofield business property. He asked that the Board of Supervisors visit the property before making a decision.

Chairman Higgins closed the public hearing at 7:21 p.m.

Supervisor Hinty asked how long the vehicles would remain in holding. Mr. Slaydon stated that the County Code specifies that the stored vehicles shall be disposed of in a lawful manner within 30 days after the holding yard owner/operator receives legal authority to dispose of the vehicles.

Mr. Slaydon then stated that Mr. Schofield was not in attendance and agreed that some of the evening's questions would be appropriate for the applicant to answer.

Supervisor Lewis moved to set voting matters on this public hearing over to the next meeting - Tuesday, October 14, 2014. 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

Special Exception - Reginald Schofield - holding yard in A-2

Mr. Slaydon briefly reviewed the Agenda Item: "This second location is at the former Kerrs Creek General Store in the Agricultural and General Uses District (A-2) per Section 603.03-11. This location is also within the 100 year floodplain of Kerrs Creek and is well within our proposed Source Water Protection Overlay Zone. The lot will be screened by a minimum six foot privacy fence and no more than 10 vehicles will be held at any given time. Vehicle removal operators are licensed through the DMV and holding yards are regulated by Section 23-103 of the County Code which is enclosed. The Planning Commission was concerned about this location in the flood plain and upstream from the intake of the MSA water plant. Additionally, several adjoining and area property owners spoke in opposition to the proposal at the Planning Commission Public Hearing. Mr. Slaydon stated that the Planning Commission has recommended denial of the Special Exception Permit.

Chairman Higgins opened the public hearing at 7:29 p.m. There were no public comments.

Chairman Higgins abstained from all voting matters pertaining to this public hearing, since the owner of the property is his employee.

Supervisor Ford moved to deny the Application for a Special Exception Permit. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, SEPTEMBER 22, 2014

Ordinance to Deny the Application of Reginald Schofield for a Special Exception Permit for a Wrecked/Abandoned Vehicle Holding Yard in the Agricultural and General Uses District (A-2) on a Parcel of Land Owned By Frank and Jennie K. Gaines (Portion of Tax Map No. 47-A-48) Located on the East Side of West Midland Trail Just South of Its Intersection With Fredericksburg Road in the Kerrs Creek Magisterial District

WHEREAS, the Planning Commission held a public hearing on this matter on September 10, 2014, and has recommended denial of the application to the Board of Supervisors; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on September 22, 2014; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is not consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest, and specifically determines that the proposed project would be located entirely within the 100-year floodplain and that no reasonable restrictions would adequately protect against the impact of a holding yard in such location.

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

1. That the application of Reginald Schofield for a Special Exception Permit to establish for a Wrecked/Abandoned Vehicle Holding Yard in the Agricultural and General Uses District (A-2) on a parcel of land owned by Frank and Jennie K. Gaines (Portion of Tax Map No. 47-A-48) located on the east side of West Midland Trail, south of its intersection with Fredericksburg Road in the Kerrs Creek Magisterial District,

delineated on 'Map Showing Proposed Holding Yard' on file in the Department of Community Development, is hereby denied.

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 22nd day of September, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Consideration of EDA Recommendations regarding Rockbridge Middle School

Administrative Assistant of Community Development Brandy Flint provided the Board with an update regarding the Rockbridge Middle School Proposal. Ms. Flint advised that Bobby Berkstresser, whose proposal for the property had been in negotiations, recently withdrew his proposal. She stated that the EDA would like to advertise another RFP for a longer period of time and with a broader circulation.

Supervisor Campbell shared his disappointment at the withdrawal. He stated that the proposal submitted by Mr. Berkstresser included the Rick Mast Foundation. He suggested that the Board renegotiate with Mr. Mast.

Director of Community Development Sam Crickenberger stated that the EDA would like to see the property marketed more broadly and suggested that Mr. Mast could submit a new proposal on his own.

Supervisor Campbell asked to include a discussion on the EDA to the next Work Session Agenda, as he finds the minutes from the EDA's discussion of the project troubling.

Supervisor Hinty moved to reject all proposals submitted in response to the Request for Proposals, #2014-03-002, issued on March 12, 2014. 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 Hinty then moved to authorize the EDA to re-issue an RFP marketing the former Rockbridge Middle School to a broader audience. 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

Appointments

PSA - Torben Pederson - term expires 10/14/2014

Chairman Higgins expressed his gratitude to Mr. Pedersen for his extended service on the PSA.

Supervisor Lewis moved to appoint Supervisor David Hinty to the PSA Board. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

Library Board - Linda Wood unfinished term - expires 6/30/2016

Supervisor Campbell moved to appoint Gail Heslep to the Library Board. 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

Closed Meeting

Supervisor Ford moved to enter into a Closed Meeting as permitted by Virginia Code §2.2-3711(A)(1), a personnel matter involving performance evaluation, job assignments or salaries of specific officers, appointees, or employees. 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

Chairman Higgins called for a five (5) minute break.

Supervisor Lewis moved to reconvene in open session following the Closed Meeting. 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

Supervisor Ford moved that the Board certify that, in the closed meeting just concluded, to the best of each member's knowledge, nothing was heard, discussed or considered except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed as excepted from open meeting requirements under the provisions of the Virginia Freedom of Information Act cited in that motion. Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

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

With no further business to discuss, Chairman Higgins adjourned the meeting.