

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, MARCH 23, 2015, AT 4:30 P.M.

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

Call to Order

Chairman Higgins called the Work Session to order at 4:52 P.M. (Note: a Budget Work Session was held at 4:00 P.M. causing the regularly scheduled Board of Supervisors Work Session to start late)

Consideration of Business Incentive Plan and Existing Business Support Plan

Director of Community Development, Sam Crickenberger, briefly reviewed the Agenda Item which included the following information: "On February 19th, the Board and EDA conducted a facilitated, joint meeting with the broad goal of promoting economic development in Rockbridge County. A copy of a draft Business Incentive Policy was reviewed and amended. Action items resulting from the meeting included:

- Further, independent review of the draft Business Incentive Policy by the EDA and Board of Supervisors.
- Staff development of a draft Existing Business Support Policy for review by the two bodies.

- Upon further independent review of the draft Business Incentive Policy and review of the draft Existing Business Support Policy, the two bodies would meet again with the goal of jointly adopting the two documents.

The EDA met on March 16 and reviewed both draft policies. Several suggested amendments and additions were made to the draft Business Incentive Policy. The Existing Business Support Policy drafted by staff was accepted without amendment."

Chairman Higgins asked the Board Members to review the materials and send any recommended changes to Mr. Crickenberger and Mr. Suter by the next Board Meeting.

Mr. Suter advised that these documents would be on the late April Agenda for adoption.

Chairman Higgins closed the Work Session at 5:09 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, MARCH 23, 2015, AT 5:30 P.M.

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

Called to Order

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

Supervisor Lewis delivered the invocation and led in the Pledge of Allegiance.

Chairman Higgins recognized the Washington and Lee University students who were present.

Recognitions and Presentations

Chairman Higgins called for recognitions and presentations. There were none.

Items to be added to the Agenda

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

Citizen Comments

Chairman Higgins called for citizen comments. He asked that anyone wishing to speak in regards to the BARC Agenda Item should come forward and speak during the Citizen Comment period.

Comment #1: Patricia Cook of the Kerrs Creek Magisterial District, administrative director of the Blue Ridge Autism and Achievement Center (BRAAC), stated that BRAAC is currently located in Buena Vista and is a private day school for children with autism. She further stated that BRAAC has been in operation for the last 6 years and employs over 15 staff members. Ms. Cook advised that, in September 2011, she contacted the County Economic Development Director regarding the use of the Highland Belle facility. While speaking with him, she stated that she presented multiple advantages of BRAAC using this school; most importantly, the cost savings to the community by not having to send students out of the County to receive their education. She further advised the Economic Development Director of BRAAC's extensive waiting list and the need for more space. She added that it would allow for more jobs in the County, increasing above and beyond the 15 employees currently employed. Ms. Cook stated that she has made several attempts to relocate to Highland Belle, and was told all interested parties would be invited to the table, but later noticed that this was not the case. She asked that the Board of Supervisors be transparent with their motives and to do what is in the best interest of the citizens of Rockbridge County and their families. She also asked that the Board consider in the Highland Belle process the contributions of a non-profit like BRAAC.

Comment #2: Lee Merrill, President of the Rockbridge Area Conservation Council (RACC), stated that the board of the Virginia Outdoors Foundation [VOF], owner of House Mountain, planned to vote on matters involving selection of an Advisory Committee for House Mountain in just a couple days. He asked that the Board of Supervisors endorse two ideas: that Rockbridge County be included as a member of the House Mountain Management Partnership/ Advisory Committee that will supersede the old committee; and that Rockbridge County be added to the list of entities eligible to receive the fee simple title of the House Mountain Preserve as described in the succession provision for reversion of title in the 1988-1989 Management Agreements, and to be recorded in a Deed.

Supervisor Ford requested the Board's consensus for Chairman Higgins and Mr. Suter to write a letter requesting that the VOF postpone a vote on the matter, so that they and our citizens might yet reach an agreement on managing the House Mountain property. There was consensus by the Board of Supervisors for this action, as well as general support for taking the requested necessary steps to retain local control of the property.

Comment #3: Tom Bundy of the South River Magisterial District thanked the Board for the opportunity to address his concerns with them. He stated that the signing of a Performance Agreement to insert an industrial site in an A-2 Ag district and necessitating an elimination of a community track and ball field should not have been made without notice to the public and opportunity for public input. He suggested that the Performance Agreement should be allowed to expire and so a public hearing

on the future use of Highland Belle where all potential ideas and uses from citizens and developers can be heard, analyzed, and considered. He shared his concern about the procedural precedent this Performance Agreement will set if it is extended until finalized. He stated that he has heard from electrical experts that this project has many logistical and technical details that need to be addressed before implementation, and wondered what the solutions might do to its economic viability. He asked what would happen if the property were later sold by BARC. What would be left of it? In closing, he stated that it is in the best interest of the County to bring this Performance Agreement to a close and start the process anew.

****Note:** There are additional comments from late-arriving citizens following the consideration of the Tuition Agreement Amendment******

Approval of March 9, 2015 Regular BOS Meeting Minutes

Supervisor Ford moved to approve the March 9, 2015 regular Board of Supervisors meeting Minutes. 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

School Division Appropriation Request

Finance Director Steven Bolster presented the School Appropriation Resolution and recommended approval as presented.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, MARCH 23, 2015 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, 2015** in **FUND 50, SCHOOL FUND** and expended as follows:

Grants

Title VI B Sec. 611 - 2014

4-50-61100-3160-910-200-840 Purchased Services..... \$545.00

TOTAL FUND 50 APPROPRIATIONS **\$545.00**

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, 2015** in **FUND 70, SCHOOL CONSTRUCTION FUND** and expended as follows:

4-70-66200-3160-950 Purchases Services \$689.00

Convene Solid Waste Authority (SWA) (if needed)

The Solid Waste Authority did not convene.

Request by Virginia Horse Center to extend the August 1, 2014 Agreement

County Administrator Spencer Suter introduced John Nicholson, who was present in the absence of Tom Clarke. Mr. Suter then briefly reviewed the Agenda Item: "In June of 2014, the Board of Supervisors and Economic Development Authority (EDA) approved an agreement with the Virginia Horse Center (VHC). A copy is attached. With an effective date of August 1, 2014, the agreement called for a 1% increase in the transient occupancy tax assessed in Rockbridge County. The term of the agreement is 2 years from the effective date. In accordance with the Code of Virginia, the revenues generated by this portion of the increase can be spent for tourism-related activities. Via the agreement, the Board and EDA determined that the increase will be used to:

- 1) Satisfy USDA debt arrearage
- 2) Satisfy future annual USDA debt service payments
- 3) Potentially provide for capital safety maintenance projects, upon presentation of a capital improvement plan and authorization by the EDA and Board of Supervisors.

Debt arrearage is expected to be caught up by June, at which point revenues will begin to build. As noted above, such revenues could be allocated to capital improvements at the VHC. The agreement also states that the VHC will neither refinance any portion of the existing USDA loan, nor place any portion of VHC property into a conservation easement, without prior written approval by the EDA and Board of Supervisors. Last September, VHC Treasurer Tom Clarke orally presented the Board with a draft plan which included provisions to place approximately 445 acres of the VHC property in a conservation easement held by the Virginia Outdoors Foundation, resulting in approximately \$1.98M in cash which could be applied to principal on the USDA loan, thereby reducing the annual payment by approximately \$100,000 for the remaining 30 years of the loan. The goal of such an action would have been to utilize the annual savings to finance a private bank loan, which would be used to fund capital upgrades now. However, it would have required the Board of Supervisors to essentially extend the current 2 year commitment of the additional 1% to a full 30 years. On January 15th, the VHC presented this concept to the EDA and received conditional approval. However, during preparation for the same request for approval to be delivered to the Board of Supervisors on February 9th, the VHC determined that Board support for a revised plan of action would be more realistic at this time. Thus, rather than seeking a 30 year commitment from the Board on the additional 1% lodging tax via proceeds from a conservation easement, the VHC requested consideration for a simple 3 year extension of the existing agreement, to a total of 5 years. Based on projections of revenue surpluses from the combined 3%

lodging tax coming from the County and the City of Lexington, the VHC could potentially borrow funds against the anticipated revenue for a 5 year period, allowing it to make necessary capital upgrades now, with the goal of preserving the shows it has and attracting new shows. It was noted that such a commitment from the localities could help in challenging donors to increase targeted gifts. The VHC has since returned to the EDA and received approval for this revised plan. A similar request is being made to the City of Lexington. This action would allow the VHC to build revenues for needed capital improvements, subject of course to the agreement, which requires Board and EDA approval of a capital improvement plan."

Mr. Nicholson stated that there had been a remarkable turnaround since last year at the Horse Center, and he thanked the Board members for all they have done to contribute. He further stated that capital improvements at the facility are an immediate need, in order to keep and continue to take on large events.

Supervisor Campbell moved to move forward with the five-year plan, contingent on the City of Lexington's approval. 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

Consideration of Rockbridge/Lexington Tuition Agreement Amendment

Mr. Suter briefly reviewed the Agenda Item: "As you may recall, the respective School Boards of Rockbridge and Lexington worked closely for several months to reach an agreement which clarified the funding mechanism discussed in the 1989 tuition sharing agreement made between and among the two localities. Ultimately, the two groups reached a clarification which each felt was equitable, to be memorialized in the attached document. Given that the County of Rockbridge was party to the original agreement, it has been requested that the Board of Supervisors approve the recently crafted clarification document in the form of an addendum to the original agreement. The other three parties to the agreement have already approved the attached addendum."

Supervisor Lewis moved to approve the Tuition Agreement Amendment. 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

Additional Citizen Comments

Comment #4: Harvey Hotinger of the Kerrs Creek Magisterial District arrived late to the meeting but, since he had called the Chair earlier, he was granted permission by Chairman Higgins to express his comments regarding the Highland Belle property. Mr. Hotinger stated that one day he looked at a local paper and saw that BARC was to buy Highland

Belle. He stated that no documents had been signed and that the County just gave away this property and now needed to think thoroughly before giving away the track (field). He further stated that the County needed to consider what will be and won't be taxed and whether anticipated revenues will be realized. He expressed his confusion about how this situation would work should BARC take the property when its competitor, Dominion, is the electric provider for that area. He asked the Board to let the Agreement run out, not to extend it, and to put the Highland Belle property back on the market because taxpayers will be losing money if not.

Comment #5: Chairman Higgins allowed another late arriving citizen to speak in regards to the Highland Belle property. Buddy Powers of the Kerrs Creek Magisterial District asked the Board to consider the impact on his property's values and consider whether they would approve something like this if it were in their front yard. He recommended that the Board put the property back on the market and review other proposals.

Consideration of Extension of Performance Agreement Period with BARC Electric

Supervisor Campbell asked the County Attorney if any of the procedures regarding BARC and the Highland Belle property are improper.

County Attorney Vickie Huffman responded in the negative.

Supervisor Ford asked Ms. Huffman to explain how confidentially is necessary to certain projects.

Ms. Huffman explained that BARC had asked for confidentially at the beginning of negotiations and discussions with the EDA and BOS, until

terms were reached. She further explained that the Agreement prohibits review or discussion of other prospects while under the Agreement.

Supervisor Ford moved to extend the current Agreement with BARC. Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

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

Public Hearings 6:00 P.M.

Disposition of Highland Belle School - THIS PUBLIC HEARING WAS CANCELED PRIOR TO THE MEETING

Renewal of Maury-South Ag/Forest Overlay District

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item: "The Maury-South Ag/Forest overlay district was created on February 28, 2005 and expired on February 28, 2015. The Office of Community Development has received applications from nine (9) landowners that have requested their land be placed in the overlay district. The twenty-one (21) tax parcels total 569.86 acres, and the district is proposed for another ten (10) year term. On March 11, 2015, The Farm and Forest Committee made a recommendation to approve the overlay district. On the same date, the Planning Commission held a public hearing and has recommended approval. The expiration date is set for March 23, 2025. Please see the attached information that includes the public hearing

notice, map showing the location of the district, list of current members, and ordinance.”

Chairman Higgins opened the public hearing at 6:20 P.M. There were no comments. Chairman Higgins then closed the public hearing.

Supervisor Hinty moved to adopt the Ordinance to re-create and establish the Maury-South Agricultural and Forestal Overlay District for a period of 10 years. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, MARCH 23, 2015

**ORDINANCE TO RE-CREATE AND ESTABLISH THE MAURY-SOUTH
AGRICULTURAL AND FORESTAL OVERLAY DISTRICT FOR A PERIOD OF TEN
(10) YEARS**

WHEREAS, the previously established Maury-South Agricultural and Forestal Overlay District (“Maury-South District”), created pursuant to the Rockbridge County Land Development Regulations, §§610.00, et seq., and Virginia Code §§ 15.2-4300, et seq., expired February 28, 2015; and,

WHEREAS, a majority of the property owners of land parcels in the original overlay district have petitioned for renewal of the Maury-South District for a period of ten (10) years, and the minimum core of 200 contiguous acres has been established; and,

WHEREAS, the petition has been reviewed by the Agricultural and Forestal Districts Advisory Committee, which has recommended re-creating and establishing the Maury-South District to the Planning Commission; and,

WHEREAS, the Rockbridge County Planning Commission reviewed the application on March 11, 2015, and recommended to the Board of Supervisors that the Maury-South District be re-established for a period of ten (10) years; 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 March 23, 2015; and,

WHEREAS, the Board of Supervisors has determined that the proposed rezoning would generally promote the health, safety, convenience and general welfare of the public, that the rezoning is warranted as good zoning practice, that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and that it serves one or more of the purposes set forth in Land Development Regulation §610.01, namely to: (i) to conserve, protect and encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products, (ii) to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, and aesthetic purposes, (iii) to provide a means for the mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the economy and an economic and environmental resource of major importance.

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

1. That the Maury-South Agricultural and Forestal Overlay District, totaling 569.86 acres of land, more or less, is hereby re-created and established for a period of ten (10) years, through March 23, 2025, pursuant to the Rockbridge County Land Development Regulations, §§610.00, et seq., and Virginia Code §§ 15.2-4300, et seq., and shall consist of and be applicable to the following:

TAX MAP #	NAME	NAME #2	ACRES
76-5-TR1	BURCH GEORGE M & CAROLE C		116.70
76-5-TR5	BURCH GEORGE M & CAROLE C		
77-3-3D1	BYERS JOHN E & ALEXANDRIA L		1.42
77-3-3C	BYERS JOHN E & ALEXANDRIA L		-
77-3-3B	BYERS JOHN E & ALEXANDRIA L		0.20
77-3-3A	BYERS JOHN E & ALEXANDRIA L		1.22
77-A-12	DAY JEANNE P & BURNSIDE AILEEN D &	DAY F BEN & RUDY FLORA D TRUSTEE	34.75
77-2-1A2	DAY JEANNE P & BURNSIDE AILEEN D &	DAY F BEN & RUDY FLORA D TRUSTEE	1.30
77-2-1A1	DAY JEANNE P & BURNSIDE AILEEN D &	DAY F BEN & RUDY FLORA D TRUSTEE	-
62-11-1C	KERSCHL WALTER C & KIMBERLY A		10.00
62-11-1E	KERSCHL WALTER C & KIMBERLY A		1.60
62-11-1F	KERSCHL WALTER C & KIMBERLY A		6.75
76-7-1A2	MOORE MOLLY TRIMBLE		11.18
77-2-1A3	SHEFFIELD ELISE SPRUNT		18.96
77-2-1A	SPRUNT ELISE G ESTATE		122.20
76-8-1D	TRIMBLE CHARLES C SR AND	TRIMBLE KATHERINE C TRS	16.50
76-7-1	TRIMBLE CHARLES C SR AND	TRIMBLE KATHERINE C TRS	-
76-A-39	TRIMBLE CHARLES C SR AND	TRIMBLE KATHERINE C TRS	41.20
76-7-1	TRIMBLE CHARLES C SR AND	TRIMBLE KATHERINE C TRS	-
76-7-1A1	TRIMBLE CHARLES C SR AND	TRIMBLE KATHERINE C TRS	157.00
76-7-5	TRIMBLE THELMA SUSAN		28.88
			569.86
			TOTAL ACRES

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. The Zoning Administrator is directed to amend the zoning district map to reflect the changes in zoning classification authorized by this ordinance.

Adopted this _____ day of March, 2015.

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Events Application- Boxerwood Education Association

Director of Community Development Sam Crickenberger explained that Boxerwood Education Association had submitted an Event Application for their summer schedule. He introduced the applicant, Joe Dinardo.

Mr. Dinardo further explained that there would be 10 simple events this summer.

Supervisor Ford moved to approve the Event Application for Boxerwood Education Association. 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

Appointments

Social Services Board- Teresa Fainter- Term Expires 3/31/2015

Supervisor Hinty moved to reappoint Teresa Fainter to the Social Services Board. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

TCO- Charles Barger- Term Expires 4/8/2015

Chairman Higgins added this appointment to the April 13, 2015 Agenda.

EDA- J. Lingon Jones- Term Expires 4/10/2015

Supervisor Lewis moved to reappoint Lin Jones to the EDA. 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

Board Comments

Chairman Higgins called for Board Comments. There were none.

Closed Meeting

At 6:24 P.M., Supervisor Hinty moved to enter into a Closed Meeting as permitted by Virginia Code Section 2.2-3711(A)(3), "discussion of

consideration of a matter involving acquisition of real property for public purposes, where discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy". 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 Lewis moved to reconvene in open session following the Closed Meeting. 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

Supervisor Hinty 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 exempt from open meeting requirements under the provisions of the Virginia Freedom of Information Act cited in that motion. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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

Continued Meeting

Chairman Higgins Continued the meeting until Thursday, April 2, 2015, for Scheduled Budget Work Session #5 in the Board of Supervisors Meeting Room at 150 South Main Street, Lexington, beginning at 5:30 P.M.