

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, MAY 11, 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, BRANDON MITCHELL,
BRANDY WHITTEN

Called to Order

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

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

Recognitions and Presentations

Chairman Higgins called for recognitions and presentations.

Recognition of Betty Trovato

County Administrator Spencer Suter recognized Treasurer Betty Trovato for completing the Master Governmental Treasurers Program through the University of Virginia's Weldon Cooper Center. He noted that to be certified, Ms. Trovato had to participate in 8 mandatory courses, various conferences and meetings, and other educational courses to earn points.

The Board of Supervisors and those present congratulated Ms. Trovato on her accomplishment.

Business Appreciation Month Proclamation

Mr. Suter stated that Community Development Director Sam Crickenberger had suggested that each Board Member invite someone from his district to accept the Business Appreciation Month Proclamation.

Supervisor Lewis read aloud the following Proclamation:

PROCLAMATION SUPPORTING BUSINESS APPRECIATION MONTH 2015

WHEREAS, Virginia businesses play a pivotal role in strengthening our Commonwealth by embracing job creation, innovative technologies, and employing a diverse workforce to preserve the economic well-being of all our citizens; and,

WHEREAS, Virginia businesses provide nearly 3.1 million jobs to our citizens throughout the Commonwealth and offer a variety of services and products worldwide; and,

WHEREAS, Virginia's businesses operate in diverse industries, including advanced manufacturing, energy, life sciences, tourism, agribusiness and information technology; and,

WHEREAS, Virginia is currently home to more than 35 Fortune 1,000 firms and more than 70 firms with annual revenues in excess of \$500 million; and,

WHEREAS, The businesses of Rockbridge County form the backbone of our local economy, contributing to support of core services and providing jobs and other opportunities for our residents; and,

WHEREAS, The Rockbridge County Board of Supervisors, along with the rest of the Commonwealth is pleased to recognize the accomplishments of our existing businesses; entrepreneurs; small, minority and women owned businesses; and the majority employers that contribute greatly to the economic vitality of our County and Commonwealth; and,

WHEREAS, it is fitting to offer the citizens of our County a unique opportunity to recognize our businesses for the essential role they play in driving the new Virginia economy.

NOW, THEREFORE, We, The Board of Supervisors of Rockbridge County, do hereby recognize May 2015 as **BUSINESS APPRECIATION MONTH** in our **COMMONWEALTH OF VIRGINIA** and **COUNTY OF ROCKBRIDGE**, and call this observance to the attention of all our citizens.

Adopted this _____ day of _____, 2015

Supervisor Lewis moved to approve the Proclamation as presented.

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 Ford presented a framed proclamation to W. R. "Tink" Deacon of W. R. Deacon & Sons Timber Inc.

Supervisor Campbell presented a framed proclamation to Bobby Berkstresser of Lee-Hi Travel Plaza and White's Travel Center.

Supervisor Hinty presented a framed proclamation to Connie Loughhead of Heatex America.

Supervisor Lewis presented a framed proclamation to W. D. Goad of Goad's Body Shop.

Chairman Higgins presented a framed proclamation to Eric Spencer of Spencer Home Center.

Chairman Higgins noted that all County businesses are greatly appreciated. He stated that these businesses contribute in many, many ways

to our community, beyond their contributions to the tax base, to include supporting charities and needy citizens. All Board members expressed sincere appreciation.

EMS Week Proclamation

Mr. Suter noted that May 17th through May 23rd is EMS Week. He discussed the many sacrifices that our local EMS providers make for their neighbors and communities, stating that "These are the folks that pick us up when we are in our hour of greatest need. When we are in that position, it makes no difference what size, shape, color, gender or creed our savior is, nor whether he or she is paid or volunteer. All we know is that they are there to help and help they do, day in and day out in Rockbridge County." Supervisor Ford then read aloud the following proclamation:

**PROCLAMATION EXPRESSING THE APPRECIATION OF THE
BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO
LOCAL EMERGENCY MEDICAL SERVICE (EMS) AGENCIES AND PROVIDERS**

WHEREAS, The Congress and President of the United States have designated May 17th - 23rd as National Emergency Medical Services (EMS) Week; and,

WHEREAS, the men and women of the EMS agencies serving Rockbridge County, the City of Lexington, and the City of Buena Vista provide a vital public service by responding to the EMS needs of our residents and visitors; and,

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their local EMS providers; and,

WHEREAS, safety of our citizens is a primary goal of local, state, and national government; and,

WHEREAS, EMS providers are often among the first to arrive upon the scene of emergencies and disasters, be they medical, natural or manmade, to provide immediate and often life-saving assistance while fulfilling their mission to provide the best pre-hospital care; and

WHEREAS, EMS providers participate in numerous hours of rigorous training and continuing education in order to enhance their life-saving skills and thereby dramatically improve the survival and recovery rate of their patients; and

WHEREAS, EMS providers and agencies demonstrate a high level of commitment and dedication to their communities and fellow citizens by providing training, health screenings and other life-safety awareness programs in their respective localities;

NOW, THEREFORE, We, the Rockbridge County Board of Supervisors, call upon all citizens of Rockbridge County to observe the week of May 17th – 23rd, 2015, as Emergency Medical Services week, during which all of our residents may join in celebrating the dedication of our local EMS Providers, past and present, and their families, whose support allows them to serve our community.

Adopted this 11th day of May, 2015.

Supervisor Ford moved to approve the Proclamation as presented.

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

Director of Fire and EMS Brandon Mitchell presented Rockbridge Emergency Rescue Group [RERG] President Robert Hickman with a framed Proclamation. Multiple members of local Fire and EMS organizations joined the Supervisors for a group photograph as Mr. Hickman accepted the Proclamation.

Citizens Comments

Chairman Higgins asked for those wanting to speak in regard to the Dominion Virginia Power Lexington-Dooms Project to wait until that item on the Agenda was discussed, as he would allow comments at that time.

There were no other comments.

Items to be added to the Agenda

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

Approval of Minutes for April 27, 2015

Supervisor Ford moved to approve the Minutes for April 27, 2015 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

Financial Report

Finance Director Steven Bolster briefly reviewed his monthly memorandum:

Activities for the Commissioner of the Revenue included: "prepared and presented the Land Book to the Treasurer; completed another busy state income tax season; working DMV report for April 2015; prepared and mailed late notices for business license renewals; auditing Schedule C's against business license files; and, preparing report of property values for the Dept. of Taxation."

Activities for the Treasurer included: "continue to collect State Income & Estimated State taxes; mailed Supplemental 2012, 2013, & 2014 Real Estate bills and the new 2015 Real Estate tax bills - all due June 5, 2015; and Debt-Set-Off collections remain in high volume --- \$28,345.63 associated with 194 filings."

Mr. Bolster next provided a procurement update:

- Items the Board approved for surplus in April continue to be offered online via govdeals.com until Tuesday, May 12, 2015.
- General Reassessment RFP deadline for proposals is Friday, May 15th at 2PM.
- Delivery of Petroleum Products RFB deadline is Thursday, May 28th at 2PM.
- Solid Waste and Recyclable Material Transportation Services RFP pre-bid meeting is Wednesday, May 13th at 9AM; and the deadline for proposals is Thursday, June 4th at 2PM.

Mr. Bolster then provided a financial update: the additional 1% lodging tax receipts totaled \$11,512.09 in April 2015 - and year to date the total from August 2014 to April 2015 is \$114,511.64. At this rate it appears that the County's [and Lexington's] final pass-through payment on the VA Horse Center's arrearage will be made in June 2015.

Mr. Bolster lastly presented the County Appropriation Resolution and recommended approval as presented.

Supervisor Hinty moved to approve the County 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, MAY 11, 2015 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 appropriations are, and the same hereby is made, for the period ending **June 30, 2015**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-31030-7501 Purchase of Cars (Sheriff).....	\$21,521.00
4-11-34015-3002 Contracted Services.....	\$3,510.00
4-11-43050-3404 Repairs-Court Complex Bldg.....	\$6,377.00
4-11-99010-6192 Transfer to Lined Landfill.....	\$40,460.00
Total General Fund Appropriations	\$71,868.00

Current County

11 - General Fund	\$737,280.04
94 - Central Stores	<u>\$3,285.59</u>
Total County Bills	\$740,565.63
Current Fiscal Agent	
80 - Regional Jail	\$69,209.09
92 - Drug Fund	<u>\$2,884.83</u>
Total Fiscal Agent	\$72,093.92
TOTAL ALL BILLS	\$812659.55

Convene Solid Waste Authority

Chairman Higgins convened the Solid Waste Authority (SWA) at 5:57 P.M.

SWA Bills

Mr. Bolster presented the Solid Waste Authority Resolution and recommended approval as presented.

Supervisor Campbell moved to approve the Solid Waste Authority Appropriation Resolution as presented. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Chairman Higgins closed the Solid Waste Authority and reconvened the Board of Supervisors meeting at 5:58 P.M.

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, MAY 11, 2015 AT 5:30 P. M.

On motion of Supervisor _____, with second by Supervisor _____, the Authority, by record vote, adopted the following appropriation resolution and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Rockbridge County Solid Waste Authority, that the following appropriations are, and the same hereby is made, for the period ending **June 30, 2015**, from the UNAPPROPRIATED SURPLUS of the **SWA-LANDFILL FUND** and expended as follows:

4-19-19050-3006 Seeding/Mowing/Erosion Control.....	\$2,341.00
4-19-19070-3001 Engineering Services.....	\$18,502.00
4-19-19070-7010 Construction-Office Bldg.....	\$21,958.00
Total SWA-Landfill Fund Appropriations	\$42,801.00

Current SWA

19 - SWA-Landfill	\$67,287.08
20 - SWA-Recycling	<u>\$6,046.18</u>

TOTAL SWA BILLS **\$73,333.26**

Dominion Power- Lexington/Dooms Project Discussion

Disclosure Statement by Supervisor Hinty

Supervisor Hinty read aloud the following Disclosure Statement: "I abstain from all matters, discussions, or voting related to the Dominion Virginia Power's transmission line project from Lexington to Dooms, and my disclosure statement under Virginia Code §2.2-3115 (F) is on file with the Clerk to the Board of Supervisors."

Supervisor Hinty left the dais.

Mr. Suter briefly reviewed the Agenda Item:

" At the Board's regular, April 27 meeting, citizens expressed significant concern over Dominion Power's recent installation of upgraded electrical transmission towers/lines in the Kerrs Creek and Walkers Creek districts. Concerns broadly involved visual and economic impact of the height, brightness and types of structures installed. However, the most significant concern expressed was a feeling that Dominion had, during the early and middle stages of the project, misled the County - and other groups/agencies - regarding the full scope of the project, thereby depriving the Board and residents of the opportunity to provide feedback and/or opposition regarding the project. As a result of subsequent Board discussion, I was asked to retrieve/review the minutes from the August 27, 2012 meeting, during which the project was originally presented to the County. Additionally, County Attorney Vickie Huffman was asked to provide an opinion as to whether or not Dominion had satisfied its requirements

under the Code of Virginia. We have subsequently provided the Board with feedback, as noted in the two attached memoranda. While Ms. Huffman's memorandum is marked confidential under attorney/client privilege, the information contained provides critical context to this issue. As, such, Chairman Higgins gave permission to post it with this Board report. As noted in the memoranda, there are options for the Board to consider, which include:

- Take no action
- File a formal complaint with the State Corporation Commission [SCC]
- Submit a letter of support for Mr. Baumann's formal complaint (previously filed)"

Citizen Comments

Chairman Higgins called for citizen comments in relation to the Dominion Project.

Kristopher Baumann of Washington, DC, landowner in the Dutch Hollow area of Walkers Creek District, thanked the Board of Supervisors and staff for providing the memorandums from the County Administrator and County Attorney for public review. He asked that everyone keep in mind the critical point that Dominion was required by statute to consult with the County pre-application and had failed to do so. He stated that the County did not receive the entire application until just days prior to this meeting, and the information relevant to the complaints was buried hundreds of pages into the application as an attachment. He further stated

that changes to the height of the towers - some of which are 174' tall - were referred to as a geometric modification. He reminded the Board that the Dominion website listed the average tower as 115' tall in 2012. In 2013, he asserted, Dominion withdrew part of its application because it knew it was going to increase the tower heights. Later in 2013, he continued, it notified the Counties of Rockbridge and Augusta but never mentioned that the towers would be larger, stating only that the project was moving forward. Mr. Baumann advised that Dominion will now be able to say that it provided the application to the County, even though it did not do so at the beginning of the project - rather just a few days before this meeting, and not pre-application. In closing, Mr. Baumann stated that this project will have an effect on the County for generations to come; he asked that the Board, at minimum, write a letter of support to his formal complaint to the SCC.

Mr. Suter clarified that at no time was he aware that there would be 170' towers, and that his file does not contain a fact sheet showing 142' towers. He stated that the file contains the September 2013 letter and an attached map.

Jeff Scott of Walkers Creek stated his understanding of the need for the towers; however, the necessity for the towers does not absolve electric utility companies from obeying regulations. Mr. Scott then reviewed the two memoranda made public on BoardDocs and shared his opinion of those documents. Some of his comments included disagreement with Ms. Huffman's statement that the height changes of the towers were

modifications to the project and not unusual in that context; he shared that he was "troubled" that no one on County staff had compared the old application to the new one to see what changes were made; and he encouraged the Commonwealth's Attorney to investigate this matter. He then commented that the citizens of Rockbridge County elect the Board and pay the salaries of the County Administrator and staff to help maintain the beauty of the area now and for future generations and to help insure that the property and rights of its citizens are protected. He added that the negative economic impact of the towers on the property values and tax base will be considerable if the towers are allowed to stay, and there could easily be a negative impact on local businesses and revenues generated by tourism. He asked the Board to, at minimum, file a formal petition with the State Corporation Commission.

James Gercke of Walkers Creek thanked the Board for taking time to consider this important matter. He then stated that he had met with Senator Deeds around three (3) weeks prior to this meeting to view the towers. He further stated that Senator Deeds shared that the towers in Bath County were worse than those in Rockbridge County, but by the end of their meeting Senator Deeds understood how the process had failed because of the County being misled. Mr. Gercke further stated that it was the obligation by Code for the SCC to protect the environment. He asked the Board to hold them accountable.

Drew Richardson on Augusta County stated that he had not had the opportunity to speak his opinion on these towers in Augusta County but wanted to do so. He thanked the Board for their leadership in investigating and handling this matter. He then thanked Mr. Baumann for all the work he has done and asked the Board to be aggressive in making a decision on one of the three (3) options.

Nancy Sorrells, former Augusta County supervisor, spoke in regard to erosion and sedimentation [E&S] control issues surrounding the towers. She stated that she had contacted Virginia Department of Environmental Quality [DEQ] on April 4, 2015 to review the sites' E&S problems; DEQ staff informed her that they would conduct a site visit in late April or early May. She has not heard back from them. She noted that Augusta County's Board of Supervisors would be discussing this issue on the upcoming Wednesday.

Gregg Amonette of Walkers Creek reviewed an excerpt from "Scenic Virginia" magazine, which included a "Public Policy Statement" on transmission lines that he said supports individual and governmental efforts to protect land from projects that destroy scenic resources. He asked the Board to keep in mind that these towers are not just a visual issue, but also an economic issue that could reduce tourism revenue.

Chairman Higgins asked if there were any other comments. There being none, he closed citizen comments at 6:41 P.M.

Board Comments

Supervisor Ford thanked everyone present for their extreme good manners despite their evident frustration; he stated that the memoranda from the County Attorney and County Administrator were provided to the public in the interest of full disclosure by all parties. He added that the Board has addressed all concerns of the citizens; and he expressed the need for more complete data regarding each tower's height, in both Walkers Creek and Kerrs Creek Districts.

Supervisor Lewis agreed that the towers have caused trouble among the citizens over their heights and also agreed that they have a visual impact on the natural historic sites and byways.

Chairman Higgins agreed with Supervisors Ford and Lewis.

Supervisor Lewis moved that the Board submit a letter to the SCC in support of Mr. Baumann's complaint, to unequivocally express significant concerns of the citizens and request review and possible mitigation by the SCC. Supervisor Ford provided the second, and the motion carried by the following roll call vote, with Supervisor Hinty abstaining:

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

Supervisor Hinty returned to the dais at 6:57 P.M.

Schedule Public Hearing Vacating Portions of 19th Street and 20 ft.

Alley

Director of Community Development Sam Crickenberger briefly reviewed the Agenda Item prepared by the County Attorney: "Alvin Sensabaugh and Anita M. Woolfrey, owners of even Lots 2 - 18 in Block 59, Map of Glasgow (Deed Book 58, pages 1 and 2), have submitted a Petition to the Board for vacation of unopened, unused and unimproved portions of 19th Street and the 20' Alley adjacent to their property. A copy of the 'Plat Showing Boundary Survey of Property Deeded to Alvin Sensabaugh and Anita M. Woolfrey in Instrument 150000294' is attached for reference. Vacation of a portion of a plat requires adoption of an Ordinance following a public hearing under §15.2-2272 of the Code of Virginia."

Mr. Crickenberger requested scheduling a public hearing on the ordinance for June 8, 2015.

Supervisor Hinty moved to schedule a public hearing on the ordinance on June 8, 2015. 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

Board of Zoning Appeals- Thomas Anderson- term Expires 5/12/2015

Supervisor Lewis moved to reappoint Thomas Anderson to the Board of Zoning Appeals. 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 of Zoning Appeals- Jeff Pufahl- Term Expires 5/24/2015

Supervisor Campbell moved to reappoint Jeff Pufahl to the Board of Zoning Appeals. Supervisor Hinty provided the second, and the motion carried by unanimous roll call by the Board.

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

Staff Reports

Supervisor Campbell moved at accept the staff reports as presented. 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

Employee Appreciation Luncheon

Chairman Higgins announced that there would be an Employee Appreciation Luncheon on Wednesday, June 24, 2015.

Cancellation of July 27, 2015 Board Meeting

Chairman Higgins announced that the second July Meeting (July 27, 2015) would be canceled in consideration of staff who would otherwise be using their own vacation time to prepare Board meeting agendas and packets. Chairman Higgins asked for a motion to cancel the July 27th meeting.

Supervisor Campbell moved to authorize cancellation of the July 27, 2015 Board of Supervisors Meeting. 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

Adjourn

Chairman Higgins asked for a motion to adjourn.

Supervisor Campbell moved to adjourn with there being no further business to discuss. Supervisor Lewis provided the second, and the meeting was adjourned by unanimous roll call vote by the Board.

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