

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, AUGUST 24, 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: STEVEN BOLSTER, BRANDON MITCHELL, ROBERT FORESMAN,  
BRANDY WHITTEN

Called to Order

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

Presentation / Discussion Regarding Composition of the Regional  
Communications [911] Board

County Administrator Spencer Suter briefly reviewed the Agenda Item:  
"As you may recall, the Regional Central Dispatch Agreement, first adopted  
in 1997, provided for a consolidated regional dispatch center, and was  
governed by a seven member Board for a period of 15 years. During that  
time, the only public safety entity in the region which was not served by  
the center was the Rockbridge County Sheriff's Office. In April 2013, the  
three member localities entered into a revised agreement which:

- 1) Incorporated the Sheriff's Office
- 2) Established a revised funding formula specific to the planned  
regional radio system upgrade
- 3) Reduced the number of Board members to five, as follows:
  - a. Sheriff

- b. County Administrator
- c. Buena Vista City Manager
- d. Lexington City Manager
- e. A member appointed by the Board of Supervisors (who shall not be a member of the Board of Supervisors or a member of County Staff)

Additionally, the Board of Supervisors is required to appoint an alternate member, (who shall not be a member of the Board of Supervisors or County Staff), to serve in the event that the appointed member cannot. Both the appointed member and the alternate serve one year terms. In recent discussions at Fire and Rescue Commission meetings, concern was voiced that Fire and EMS, despite being one of the primary users of the system, are not represented on the Board. Rockbridge Emergency Rescue Group (RERG) President and Fire and Rescue Commission Member Robert Hickman agreed to approach the Board of Supervisors in a work session, to present the concerns expressed by Fire and EMS." Mr. Suter introduced Carl Irvine and Robert Hickman, who were present.

Robert Hickman stated that in 2013 a revamped 911 Board eliminated fire and rescue members. At that time, the RERG and Fire Association sent letters opposing the change. A fire and EMS subcommittee was then formed to advise the Regional Board. Currently, the Commission feels that the committee for fire and rescue is not working. Having been on the previous 911 Board as alternate member, he stated, there is a lot to gain by having a fire and EMS member being able to vote. One suggestion would be

replacing the citizen with a fire and EMS member and not changing the number of seats on the Board.

Supervisor Lewis asked for better clarification.

Mr. Hickman stated that it was discussed at a commission meeting to ask the Supervisors to replace the citizen representative position with a fire and EMS member, as recommended by RERG and RFA. He noted that it is nothing against the current citizen member, who has done an excellent job, but input from the radio system users is critical as we unroll the new radio system.

Mr. Suter stated that he walked a fine line recusing himself from any voting on the Fire and Rescue Commission, when it was suggested that Director of Fire and EMS Brandon Mitchell be the Fire and EMS representative. He pointed out that the 911 agreement prohibits a member of the Board of Supervisors or County staff from sitting as the member or alternate member.

Supervisor Campbell asked if RERG and RFA would have a problem with recommending 2 or 3 people and letting the BOS choose from there.

Mr. Hickman confirmed that would not be a problem.

Chairman Higgins asked if fire and EMS groups had not been able to give their opinion along the way thus far in regards to the new Radio System.

Mr. Hickman stated that the Board has been willing to listen to all concerns, but that fire and EMS are not able to vote. He stated that not

being able to vote is a detriment, and that sometimes it just isn't worth his time to take off of work to attend the meetings.

Supervisor Ford asked to clarify that Mr. Hickman was asking the Supervisors to replace the appointed citizen member at the end of his term next June.

Mr. Suter stated that the Board of Supervisors could consider the appointed member as a member of Fire and EMS.

Mr. Hickman stated that being the alternative member and being a classified as a Fire and EMS member are two entirely different positions and should be titled separately.

Chairman Higgins asked how long the terms are for.

Mr. Suter confirmed that the terms are for one (1) year, from July 1 to June 30.

Carl Irvine stated that there is no problem with what is going on now , but rather it is a matter of being proactive in what is to come, related to the technical side of the new system.

Supervisor Campbell asked what the latest date should be to revisit this.

Mr. Suter recommended April, 2016.

Chairman Higgins stated that he would like to see the matter on a February, 2016 Agenda.

Supervisor Ford asked if it would be sufficient to adopt a new County policy, or if changes would need to be made to the current 911 agreement.

Mr. Suter stated that it could be looked at both ways and would depend on whether the BOS would be replacing the citizen rep with a Fire and EMS rep or adding an additional member.

Supervisor Ford noted that he did not want this matter to have to go to both Cities for approval, which would need to occur should another member be added to the Board. Supervisor Hinty agreed.

Jerry Wilson, Rockbridge Firefighters Association [RFA] representative who had joined the meeting in progress, asked how we arrived at a definition for this position of not being a highly qualified staff member's position.

Chairman Higgins stated that a lot of politics played a role in the decision on the definition, and that they had worked hard on getting a large Board down to a 5 member Board; he felt the 911 center was a lot more effective now because of it.

Mr. Wilson stated that Brandon Mitchell, as Director of Fire & EMS, was the consensus choice to fill this position by virtue of his training and knowledge. He urged the Board to think about making the necessary change to allow Mr. Mitchell to fill the position, stating that no one else would do a better job.

Supervisor Campbell stated that he would personally like to appoint Mr. Mitchell if he were able to do so.

Supervisor Lewis reminded all that the 911 agreement specifically prohibits a member of county staff from being a member on the Board, and added that he was not sure it should be changed.

Mr. Suter stated that the two Cities were strong advocates of having a citizen representative versus staff when creating the agreement.

Supervisor Hinty shared that he is afraid that if this Board went back to the two cities requesting more seats on the 911 Board, then the number would increase by more than the one additional seat.

Supervisor Campbell asked Mr. Mitchell if he would be willing to be the Fire and EMS representative should the option become available.

Mr. Mitchell stated that he would do whatever is in the best interest of the County, and that the community's vote of confidence means a lot considering the short time he has been on County staff. He thanked everyone and reiterated that he would do whatever needs to be done. He asked what would prevent the citizen member from being a City employee - whether it would be necessary to amend the 911 agreement to eliminate the opportunity for a city employee just as the County is so limited currently.

Mr. Suter replied that the Board of Supervisors appoints a member to that position.

Supervisor Ford thanked Robert Hickman, Jerry Wilson, and Carl Irvine for their hard work as volunteers, along with Colby Irvine, son of Carl. All these volunteers have been instrumental in helping Mr. Mitchell.

Carl Irvine stated that the problem is that the cities do not want to add representation from the County, but he feels it is necessary to have a member who knows the fire and EMS protocols. He asked, if nothing at all, what if a sub-committee was developed to include only the County Fire Chief and Buena Vista and Lexington's Fire Chiefs, and they be a committee that would be combined to one (1) vote on the 911 Board.

Chairman Higgins commended the three members present, stating that he appreciates all that they do for the community. He stated that discussion of the fifth 911 Board member would continue at a later date.

Chairman Higgins introduced Dr. Ed Showalter.

Dr. Showalter introduced himself to each Board member. He stated that he had some issues that he would address to the Board at a later date. He presented each member with his business card.

#### **Presentation by DSLCC on Proposed Scholarship Program**

Mr. Suter briefly reviewed the Agenda Item: "DSLCC Board member Bob Claytor (Rockbridge County representative) has approached me with a new scholarship program, proposed by regional educational partner DSLCC. The program is designed to provide financial assistance to Rockbridge County residents who wish to further their education via DSLCC. In that the program may require a financial contribution from the County, Mr. Claytor

requested the opportunity to approach the Board well in advance of the Fiscal Year 2017 budget process, to ensure full understanding of the program and its benefits. "

Mr. Suter introduced DSLCC Board members Mr. Claytor, Laura Hoofnagle, Ward Robens, and DSLCC President Dr, John Rainone.

Mr. Claytor thanked the Board of Supervisors for allowing him to make a presentation and for the money the County donates to DSLCC annually. He stated that DSLCC had already begun raising money for this proposed scholarship program.

Dr. Rainone thanked the Board of Supervisors for allowing the presentation and commended the volunteers on the DSLCC Board. He stated that he has been President for two years now and that this is a wonderful place to live and to work. He stated that the college is the best kept secret of 53 years and he doesn't want it to be a secret anymore. He then provided the following points about the school:

- It serves 1800 students annually in 6 jurisdictions
  - o Rockbridge
  - o Buena Vista
  - o Bath
  - o Covington
  - o Alleghany
  - o Botetourt
- 700 are still in High School through dual enrollment program
- The area served covers 1800 square miles

- Only 70,000 people reside in the area
- He is excited about making it a great institution and college
- Curriculum is geared to determining what the community needs
- Involvement with economic development includes providing the training in new areas such as commercial driving and food handling
- Rockbridge is the largest jurisdiction served and also represents the greatest opportunity for economic growth
- It has been 7 years since the opening of the Buena Vista facility, which is at 74% capacity - 86% capacity with the computer labs
- This facility has room today and can host additional courses, but within 3 to 5 years adding another program could require expansion
- He is working closely with the Rockbridge County High School, and he
- He was the keynote speaker at the County schools' opening session this year
- County Schools chief Jack Donald and he have been working to create more opportunities for the high school students
- A major goal is to increase college completion rates
- By 2020 - 65% of all American jobs will require at least an Associate's Degree
- Right now Rockbridge County only has 28% with an Associate's or higher
- The number one reason our young people don't finish college is finances
- State average attainment of Associate's Degree is currently 47%
- His goal by 2025 is 60% attainment

Dr. Rainone then handed out the "Rural Virginia Horseshoe Initiative" document and stated that if the area in the "horseshoe" in Virginia were a state, it would rank #50 in the nation for educational attainment, since only 27% hold at least an Associate Degree, and 19% of adults fail to finish high school. If the areas outside of the horseshoe were a state, they would rank #2 in the nation for educational attainment: there, 47% hold an Associate's Degree or better, and only 10% of adults fail to finish high school.

He shared his excitement at having a High School Career Coach who is a college employee, spending 2 days a week at Rockbridge County High School and 2 days a week at Parry McCluer High School to help students focus on career aspirations and education. Dr. Rainone stated that the dual enrollment program is increasing, while 30% of Rockbridge County High School students were in the career and technical fields. He explained that High School students can graduate from college using a 2 plus 1 plus 2 process: 2 years in High School taking college classes; attending college for one year out of High School to obtain an Associate's Degree; and then either going to work or continuing college for two more years to obtain a Bachelor's degree. By doing this, he explained, students can save \$30 to 40 thousand. He further explained that, to fund the new scholarship program, the DSLCC Board are trying to raise between \$3 and 4 million; currently they are just past the \$2.5 million mark. He explained that the "Dabney Promise" will provide a third level of funding after grants and scholarships. Any qualifying student could receive up to \$3400 a year to help with school-related expenses. Those receiving the supplemental money

from the Foundation would get to repay this extra support through volunteer work.

Supervisor Hinty asked how Billy Thomas is associated through the High Schools Technology Department. Ms. Hoofnagle stated that DSLCC works closely with Mr. Thomas, and Dr. Rainone shared an example: the HVAC program will be revived through work with Mr. Thomas.

Supervisor Campbell stated that one thing mentioned was the finances for students to go to college to help parents out. He stated that, as a School Board Member who started dual enrollment at the high school, he had a personal appreciation of the college tuition money his children were able to save through dual enrollment.

Dr. Rainone stated that he would like to see more students' graduate college a month before they graduate high school and that more and more schools are doing that, as life often gets in the way of college after high school.

Supervisor Ford asked how many DSLCC students obtain an Associate's Degree and then go on to a 4 year college.

Dr. Rainone confirmed about 1/3 of the students follow that track.

Supervisor Ford asked about the welding program at the Floyd S. Kay Vo-Tech facility that was discontinued many years ago. Dr. Rainone stated that there is a waiting list at main campus where that program is now held, and that discussions are underway about making it available for high school students just like the HVAC program.

Chairman Higgins thanked Dr. Rainone for coming. He stated that he himself attended Dabney Lancaster for a year and half, but that marriage

and children stopped him from getting his degree; he agrees that "life does get in the way" sometimes. He stated that he hopes that someday DSLCC can provide police Academy courses for law enforcement.

Dr. Rainone confirmed that the Rockbridge Center provides compressed videos for Administration of Justice classes. He further stated that Dabney is working with regional EMS councils to provide their EMS training.

Dr. Ed Showalter asked whether automotive classes would become available for Rockbridge County at Dabney Lancaster.

Dr. Rainone confirmed that the school does not currently offer automotive classes - since each instructional bay now costs about \$750 thousand to build - but that there may be a way to partner with the high school to provide classes.

Chairman Higgins thanked Mr. Claytor for bringing this presentation to the BOS.

Mr. Claytor stated that, as a member of the Dabney S. Lancaster Board representing the County, he feels it is his obligation to visit with the BOS more often. He stated that he has been a member of the DSLCC Board for a combined 15 years now, and that their goal is always to look at the needs of the community and try to address those needs.

Chairman Higgins called for a 5 minute break.

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, AUGUST 24, 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  
STAFF: STEVEN BOLSTER, SAM CRICKENBERGER, CHRIS SLAYDON,  
BETTY TROVATO, BRANDON MITCHELL, JEREMY GARRETT,  
HEIDI CONNER, BRANDY WHITTEN

#### Call to Order

Chairman Higgins called the meeting to order at 5:40 P.M. due to the previous Work Session having run late.

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

#### Recognitions and Presentations

Chairman Higgins called for recognitions and presentations.

### **Introduction of VHD Director, Dr. Laura Kornegay**

County Administrator Spencer Suter introduced Dr. Laura Kornegay, the new Regional Health Director, hired July 2015. He stated that she was an internal medical physician for 17 years in County, before taking interest in public health, whereupon she went back and obtained a Master's Degree.

Dr. Kornegay thanked the Board of Supervisors for hearing her, stating that she appreciates the opportunity to work with everyone, and if there were ever any questions or concerns about public health please to call her.

### **Citizens' Comments**

Edgar Spencer, resident of Walkers Creek Magisterial District for over 50 years, made a suggestion regarding the noise associated with the recent Greenwater Music Festival. He stated that people have different sensitivities to sounds - that many neighbors were very offended by the noise, while others didn't seem bothered. He noted that one reason might be the landscape: the shape of the land allows some to hear and some not to hear or hardly hear it at all. He stated that the real problem is objective measurement of sound, and suggested use of a decibel meter. He stated that these meters measure the volume, level, or intensity of the sound and are being used in a number of places to decide if a particular source of noise is too high or too low. He further stated that 85 decibels is the point at which noise can damage one's hearing. He urged the Board of Supervisors to look at the noise ordinance and think about incorporating the use of decibel meters as a way to determine whether or

not noise is excessive. He stated that the problem will be determining where a measurement is made, and suggested the noise level be measured at the property line. He asked the County to get away from a subjective evaluation and make use of a decibel meter, which costs under \$100.

Supervisor Lewis stated that the County does have a noise ordinance and that he recalls years ago when the race tracks were being objected to, every expert in the Country was present to testify, and it became a very big deal. He stated that it would not be a bad idea to revisit the County ordinance as things move forward.

Art Bird of the Walkers Creek Magisterial District stated that he personally heard music being played for 9½ hours, when the maximum under the festival permit was 8 hours. He further stated that the noise was too loud and around 11:10 P.M. he called the Sheriff's Department, but they informed him that they could not do anything until midnight. He asked that Greenwater not receive future music festival permits since the terms of the previous permit were disregarded.

Rick Tufaro of the Walkers Creek Magisterial District shared three concerns: violation of time (running 9½ straight hours); violation of the permit; and how will it be determined if the noise is unreasonable. He then submitted to the Board a petition signed by a number of residents. He stated that he did not have a problem with Greenwater but rather a problem with the venue.

Frances Yeardley of the Walkers Creek Magisterial District thanked the Board members who took her calls. She stated that this festival cannot be compared to Boxerwood concerts, as had been suggested. She noted that Angel Poole of the Sheriff's Department visited her residence during the event and confirmed that it was too loud. She stated also that alcohol was smuggled into this event.

Will Tillery of Greenwater Music Festival noted that he had received positive feedback from this event. He also confirmed that it was incident-free, "which is really good for a first time event". He stated that the festival created a family-friendly atmosphere and that he had actually increased security over the permitted level. In regard to the noise, he stated that noise is a matter of opinion - some are not bothered by a certain level and some are. Mr. Tillery stated that he plans to utilize the arena at the Virginia Horse Center sometime in the Spring for his next event.

Chairman Higgins stated that Mr. Tillery has continued the "Adopt a Highway" program, and that he has personally seen Mr. Tillery picking up trash several times.

Mr. Tillery confirmed that this year, he has picked up trash three times on Route 39 and three times on Route 60. With regard to alcohol being smuggled into the event, he stated that a "soft search" was conducted on each vehicle, covering the interior and trunk. He confirmed that a collection of glass bottles was taken by security, as glass was prohibited.

Supervisor Hinty stated that he had seen one or two ABC officers present at the festival.

Mr. Tillery confirmed, stating that he did not receive any ABC violations which. He stated that different colored wrist bands were given out to identify those who planned to drink and those who did not.

Supervisor Campbell asked how many people attended the event.

Mr. Tillery confirmed that around 600 attended.

Supervisor Ford asked Community Development Director Sam Crickenberger whether County oversight be required at the Virginia Horse Center for similar shows.

Mr. Crickenberger stated that he would find out, since during previous shows at the Horse Center it was considered to be a state-owned venue.

Mr. Tillery stated that he was told it would not be necessary for the County to oversee an event at the Horse Center because of the way the facility is set up.

#### **Items to be added to the Agenda**

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

#### **Approval of August 10, 2015 Minutes**

Supervisor Ford moved to approve the August 10, 2015 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 Appropriation Resolution**

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

Supervisor Ford asked Mr. Bolster if line item 4-50-61100-6013-910-  
300-850 entitled "Equipment" for the amount of \$40,799 was part of a  
grant. Mr. Bolster confirmed.

Supervisor Campbell moved to approve the School Appropriation  
Resolution. 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 COUNTY ADMINISTRATIVE BUILDING,  
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,  
ON MONDAY, AUGUST 24, 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, 2016** in **FUND 50, SCHOOL FUND** and expended as follows:

**New Grants**

**Project Graduation 2015**

4-50-61100-1121-390-100-849	Teacher Salaries.....	\$943.00
4-50-61100-2100-390-100-849	Purchasing Textbooks .....	<u>\$73.00</u>
<b>Subtotal.....</b>		<b>\$1,016.00</b>

**Carl Perkins 2015**

4-50-61100-3160-910-300-850	Purchased Services.....	\$4,206.00
4-50-61100-4000-910-300-850	Internal Services .....	\$300.00
4-50-61100-5800-910-300-850	Misc.....	\$2,496.00
4-50-61100-6013-910-300-850	Equipment .....	<u>\$40,799.00</u>
<b>Subtotal.....</b>		<b>\$47,801.00</b>

**TOTAL FUND 50 APPROPRIATIONS** **\$48,817.00**

**State Health Department Request for FY 2015 Carryover Funding**

Mr. Bolster advised that, earlier this month, former Central Shenandoah Health District Administrator Doug Larson contacted the County about the possibility of obtaining approval by the Board of Supervisors to carry over funding left from last fiscal year - specifically those funds assigned to the now defunct dental program.

Mr. Suter added that last year, the dental program closed in December, resulting in approximately 6 months of savings, but that some of the savings was used to pay severance and health benefits for two dental assistants. He stated that the current request is to use some of the

remaining funds to renovate the dental area at the local Health Department. He recommended authorization to carry over the funding.

Supervisor Campbell asked what had happened to the dental equipment that was removed from the Health Department.

Mr. Bolster stated that he was not sure what had happened to the equipment.

Mr. Suter asked Dr. Kornegay if she knew where it went.

Dr. Kornegay advised that some was given to the Harrisonburg Health Department's Dental Clinic and some was donated to other causes. She further advised that the leftover supplies would be reused in Harrisonburg clinic.

Supervisor Campbell shared his concern over items of that kind being deposited into the Landfill.

Dr. Kornegay stated that the State wouldn't throw anything away - that they would either store it or repurpose it.

Supervisor Ford sought and received confirmation that the requested funds were to be used to remodel the former dental clinic area to allow other uses.

Supervisor Campbell moved to carry over the funding as requested. 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

## **Petroleum Product Delivery- Bid #1**

Mr. Bolster briefly reviewed the Agenda Item: "The County advertised an Invitation for Bids (IFB) on the FY 2016 Petroleum Products from May 6th through May 28th. Seven vendors submitted bids to the County. These bids were opened and read on May 28th beginning at 2:00 p.m. in the Rockbridge County Administration Building, 2nd floor. On June 8, 2015, I presented bid information to the Board regarding these five vendors. My presentation included a request to adopt the FY 2016 Fuel Bid Awards Resolution. The Board passed the resolution. Subsequently, County staff discovered a lack of clarity in the way we communicated the type of fuel requested for Bid #1 on IFB # 2015-05-001. The County was seeking regular, no-lead, ethanol-free, 87-octane gasoline for delivery to the Rockbridge County Maintenance Garage, Lake Robertson, and School Division ECO locations. We incorrectly left out the "ethanol-free" description in our IFB. As a result of the miscommunication, we received four bid submissions; two bids were for ethanol-free while two were for 10% ethanol/90% gasoline. At the time, the County went with the lowest bid received (James River Solutions). However, we didn't discover this discrepancy in bid types (i.e., ethanol-free versus 10% ethanol/90% gasoline) until the County Maintenance Garage called on July 9, 2015 to make the first order of fiscal year 2016. It was during the ordering process, we found that James River Solutions had submitted a bid for 10% ethanol/90% gasoline. We adjusted our order that day for ethanol-free fuel

to meet mission requirements, and later began to review our paperwork on where the error came from. County staff believe the best route to rectify this situation is to re-bid this specific request for delivery of regular, no-lead, ethanol-free, 87-octane gasoline to the Rockbridge County Maintenance Garage, Lake Robertson, and School Division ECO locations. James River Solutions' representatives were contacted and affirmed, verbally and in writing, their agreement with our corrective action. We issued IFB 2015-07-001 and posted it to our website and eVA. The bid opening occurred on Tuesday, August 18, 2015 at 2:00 p.m. The County received three bid submissions."

Mr. Bolster recommended as follows: "Discuss as necessary. Adopt the attached correction resolution repealing paragraphs 1, 2, and 3 of the authorizing resolution awarding fuel bids (adopted June 8, 2015); award Dixie Gas and Oil Corporation the delivery service of providing Regular, No-lead, Ethanol-free, 87-Octane gasoline to the Rockbridge County Maintenance Garage; award James River Solutions the delivery service of providing Regular, No-lead, Ethanol-free, 87-Octane gasoline to Lake Robertson and the Rockbridge County Public School Effinger Central Office; declare the County Administrator authorized to execute the respective contract document on behalf of the Board of Supervisors of Rockbridge County, and to take such other and further actions as may be necessary and appropriate to accomplish these transactions, which shall be approved as to form by the County Attorney."

Supervisor Campbell moved to approve the resolution. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, AUGUST 24, 2015

RESOLUTION TO CORRECT AUTHORIZING AWARD OF FUEL BID TO AND EXECUTION OF THE CONTRACT DOCUMENTS FOR PURCHASE OF REGULAR, NO-LEAD, ETHANOL-FREE, 87-OCTANE GASOLINE FOR DELIVERY TO THE COUNTY MAINTENANCE GARAGE TO DIXIE GAS AND OIL CORPORATION, AND THE PURCHASE OF REGULAR, NO-LEAD, ETHANOL-FREE, 87-OCTANE GASOLINE FOR DELIVERY TO LAKE ROBERTSON AND EFFINGER CENTRAL OFFICE

WHEREAS, the County has issued Invitations to Bid for the purchase of fuels for motor vehicles, buses, equipment and facilities, and following the receipt of competitive sealed bids, the Board of Supervisors adopted a Resolution on June 8, 2015, to award the bids to the lowest responsive and responsible bidders; and,

WHEREAS, the County received four bids for the purchase of Regular 87-Octane gasoline (County Maintenance Garage, Lake Robertson, and Effinger Central Office); and,

WHEREAS, two bidders submitted bids for Regular, No-Lead, Ethanol-Free, 87-Octane gasoline, and two bidders submitted bids for Regular, No-Lead, 10-percent ethanol, 87-Octane gasoline; and,

WHEREAS, James River Solutions was approved for award of the bid for the purchase of Regular 87-Octane gasoline (County Maintenance Garage, Lake Robertson, and Effinger Central Office); and,

WHEREAS, it has been determined that Bid Number One of Invitation for Bid 2015-05-001 did not specify the County was seeking Regular, No-Lead, Ethanol-Free, 87-Octane gasoline for delivery to the County Maintenance Garage, Lake Robertson, and the Effinger Central Office; and,

WHEREAS, correction of the award of the bid is required; and

WHEREAS, the County re-competed the procurement of delivery Regular, No-Lead, Ethanol-Free, 87-Octane gasoline for delivery to the County Maintenance Garage, Lake Robertson, and the Effinger Central Office by issuing Invitation for Bid 2015-07-001.

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

1. That paragraph 1, 2, and 3 of the Board's Resolution Authorizing Award of Fuel Bids adopted June 8, 2015, is hereby repealed.

2. That Dixie Gas & Oil Corporation be and hereby is awarded the contract based on their bid (rack, transportation, profit) price of \$1.9288 for the purchase of Regular, No-Lead, Ethanol-Free, 87-Octane Gasoline delivered to the Rockbridge County Maintenance Garage.

3. That James River Solutions be and hereby is awarded the contract based on their bid (rack, transportation, profit) price of \$2.0435 for the purchase of Regular, No-Lead, Ethanol-Free, 87-Octane Gasoline delivered to Lake Robertson.

4. That James River Solutions be and hereby is awarded the contract based on their bid (rack, transportation, profit) price of \$2.0435 for the purchase of Regular, No-Lead, Ethanol-Free, 87-Octane Gasoline delivered to the Effinger Central Office.

5. That upon receipt of the completed Contract Documents from each of the lowest responsive and responsible bidders specified herein, and compliance with all remaining requirements therefor, the County Administrator is hereby authorized to execute the respective contract documents on behalf of the Board of Supervisors of Rockbridge County, and to take such other and further actions as may be necessary and appropriate to accomplish these transactions, which shall be approved as to form by the County Attorney.

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

Adopted this 24<sup>th</sup> day of August, 2015.

**Public Hearings at 6:00 P.M.**

## **Consideration of Comcast Franchise Agreement**

Mr. Suter briefly reviewed the Agenda Item: "In 1997, the County approved a franchise agreement with Cooney Cable Company to provide cable services in the County. Over the years, the ownership of the services has transferred twice, first to Adelphia and then to Comcast, the present owner/service provider. Comcast is in the process of cleaning up its records and has recognized that the prior franchise agreement with the County has expired. Earlier this year, Comcast representatives approached the County, as well as the Cities of Lexington and Buena Vista, with standard franchise agreements. At the Board's regular July 13 meeting, it approved advertisement of this matter for public hearing, as required by law. Since that time, County Attorney Vickie Huffman has negotiated several amendments to the draft provided by Comcast, including reduction of the agreement term from fifteen years to ten. A final version is attached for your consideration. It is important to note that this agreement does not limit competition among service providers. The public hearing was advertised in the August 12 and August 19 editions of the News Gazette as required."

Mr. Suter introduced Comcast representative Paul Comes. He then advised that a marked-up revised agreement had been distributed to Board members prior to the meeting. He mentioned one specific change was to add Fire and EMS departments or emergency management departments under section 10.3 of the Agreement. Mr. Suter then requested that the Board open the public hearing, take public comment, then close the public hearing and discuss further as required. If in agreement, the Board could adopt the

attached ordinance authorizing the County Administrator to enter into agreement with Comcast.

Mr. Comes, Director of Government and Regulatory Affairs for Comcast, noted that Comcast was attempting to clean up all expired franchise agreements in its service area. He stated that County staff had raised a point about courtesy accounts, which was resolved. He commended all staff who participated in getting the Agreement completed in such a short time frame. Mr. Comes then announced a new program Comcast is providing to students in schools who participate in the free and reduced lunch program. This program will allow those students to receive Comcast Wi-Fi internet services for \$9.95 per month with free installation.

Supervisor Ford asked where the courtesy account amendment could be located in the revised Agreement. County Attorney Vickie Huffman directed him to page 13.

Chairman Higgins asked the County Administrator to be sure the school system is fully aware of the \$9.95 program. Mr. Comes stated that he was willing to meet with the schools to inform them of the program.

Supervisor Campbell asked if Comcast would be using the RANA system. Mr. Comes stated that Comcast would try to use their own system for security purposes, but should an area be underserved, they might look into RANA. He further clarified that Comcast likes to use their own fiber system because of security reasons.

Chairman Higgins opened the public hearing at 6:24 P.M.

Tom Bundy of the South River District asked that the Board look at the procedures being used to conduct County business. He noted that materials are only posted online for public review on the Thursday before the Monday meeting. He stated that it would be premature to take action on a public hearing matter in situations like this unless the public has opportunity to review the changes and make comments. He stated that the public cannot give meaningful comments when they do not have the right materials to review first. He suggested that materials for meetings be available at a minimum of 7 days prior to taking action on items and if changes are made, the public hearing should be rescheduled.

Chairman Higgins closed the public hearings at 6:27 P.M.

Supervisor Campbell asked County Attorney Vickie Huffman to state the purpose of the \$10,000 grant mentioned in the Ordinance.

County Attorney Vickie Huffman stated that it was part of what can be required by a cable ordinance when the parties are unable to come to an agreement in a negotiated franchise. She stated that the grant is being offered to be used for community improvements or development and is the only offer of money being made in connection with this franchise. Typically, she stated, in cities, there would be a franchise fee but that this has not been discussed in this case. The grant, although not part of the franchise agreement, has been made as an incentive toward the grant of the franchise agreement, and the proposed ordinance includes that as a condition of the approval. Ms. Huffman further stated that, when parties

cannot negotiate those types of terms, the State Code Provisions followed by adoption of a cable ordinance, includes a mandated grant fee that corresponds with the amount being offered.

Supervisor Lewis commented on Mr. Tom Bundy's request regarding advertising new information for Board Meetings. He stated that Mr. Bundy's comment is valid; however, it appears in this particular case that the changes are of minimal significance.

Ms. Huffman reviewed each of the changes.

Mr. Suter stated that all changes were positive for the County.

Supervisor Ford asked if it mattered whether the County adopted this before Lexington City adopts it.

Ms. Huffman stated it did not matter.

Supervisor Ford asked if it mattered in terms of getting the \$10,000.

Ms. Huffman stated it did not matter.

Supervisor Campbell moved to adopt the ordinance. 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,  
AUGUST 24, 2015

**Ordinance Granting a Non-Exclusive Franchise to Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC to Construct, Operate and/or Maintain a Cable System in the County of Rockbridge, Virginia, by Agreement Setting Forth Conditions For the Grant of the Franchise and Providing for Regulation and Use of the System**

**WHEREAS**, Virginia Code §15.2-2108.20 authorizes localities to grant negotiated cable franchises in accordance with Title VI of the Communications Act of 1934, as amended, 47 U.S.C. §521, *et seq.*, and Chapter 21 of Title 15.2 of the Code of Virginia (1950, as amended); and,

**WHEREAS**, Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC (“Comcast”) has requested a non-exclusive franchise from the County of Rockbridge for the continued provision of cable services within the County; and,

**WHEREAS**, Comcast and the County have presented herewith a negotiated cable franchise agreement for the construction, installation, maintenance, extension, and operation of a cable communications system in the County of Rockbridge; and,

**WHEREAS**, the Board of Supervisors has determined that the grant of a nonexclusive franchise to Comcast is consistent with the public interest.

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

1. That the Board of Supervisors hereby accepts, approves, grants and awards to Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC (“Comcast”) a non-exclusive franchise to provide cable services within the County of Rockbridge, Virginia, in accordance with the terms and conditions set forth in the Franchise Agreement between the County of Rockbridge and Comcast (the “Franchise Agreement”), incorporated herein by reference and on file in the office of the Clerk to the Board of Supervisors, and

subject to the receipt from Comcast of the performance bond(s) and insurance certificate provided for therein.

2. That this franchise is subject to receipt of the \$10,000 grant offered by Comcast in connection with its request for a franchise agreement.

3. That the County Administrator is hereby authorized to execute the Franchise Agreement upon compliance with the terms contained in this Ordinance, and to execute such other documents and take such further actions as are necessary to accomplish this transaction on behalf of the Board of Supervisors, all of which shall be approved as to form by the County Attorney.

Adopted this 24<sup>th</sup> day of August, 2015.

**Consideration of Solid Waste and Recycling Material Transportation Services Contract**

Director of Solid Waste Jeremy Garrett briefly reviewed the Agenda Item: "As you are aware, on April 29, 2015, the County issued a Request for Proposals (RFP) for solid waste and recyclable transportation services involving the removal, transport, and delivery of solid waste and recyclables collected in the County. Two proposals were received and evaluated by a Board-appointed team consisting of County staff and Board Solid Waste Committee members Ronnie Campbell and Rusty Ford. At its regular, June 22<sup>nd</sup> meeting, the Board approved the committee's recommended ranking of: C&S Disposal, Inc. (1) and County Waste Inc. (2), and authorized negotiation of a Waste and Recycling Transportation Services

Agreement in the order of ranking. The committee subsequently entered into negotiations with C&S Disposal Inc. Negotiations were successful and resulted in an agreement which is expected to reduce overall costs over the term of the contract. Should the Board approve the proffered contract, it will become effective on September 1, 2015. Copies of the draft contract and approval resolution are attached for your review."

Supervisor Campbell noted that C&S is a business within the County employing 20 plus employees, all but one of whom reside in the County, and that it had been a pleasure to work with Steve Flint during negotiations.

Supervisor Ford also noted that it was a pleasure working with Steve Flint through the negotiation process, and he encouraged the Board to move on immediately after approval of the contract.

Chairman Higgins stated that C&S's services in the past have proven that they are a good company to work with.

Supervisor Campbell moved to approve the resolution authorizing a contract with C&S Disposal, Inc. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,  
AUGUST 24, 2015

RESOLUTION TO APPROVE CONTRACT BETWEEN THE COUNTY OF  
ROCKBRIDGE AND C & S DISPOSAL, INC. FOR WASTE AND RECYCLING  
TRANSPORTATION SERVICES

WHEREAS, on April 29, 2015, the County of Rockbridge issued a Request for Proposals (RFP) from qualified firms for solid waste and recyclable transportation services involving the removal, transport, and delivery of solid waste and recyclables from collection sites in the County; and,

WHEREAS, three firms submitted proposals in accordance with RFP Number 2015-04-001 by the June 4<sup>th</sup> response date and time; and,

WHEREAS, the members of an evaluation committee independently ranked each proposal and conducted interviews; and,

WHEREAS, the evaluation committee determined that the highest ranking proposer is C & S Disposal, Inc.; and,

WHEREAS, on June 22, 2015, the Board approved the committee's recommended ranking and authorized negotiation of a Waste and Recycling Transportation Services Contract; and,

WHEREAS, staff has negotiated an agreement dated September 1, 2015, presented herewith to the Board for approval.

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the Contract for Waste and Recycling Transportation Services dated September 1, 2015, 2015, with C & S Disposal, Inc., to provide the necessary waste and recycling hauling services, at the initial rate of \$28.67 per Ton to deliver waste to the Landfill and the initial rate of \$50 per Ton to deliver recyclables to RDS Solutions, with additional pricing options (as set forth in Exhibit 3 to the Contract) to allow flexibility for future modifications to the solid waste management program, is hereby approved.

2. That the County Administrator is hereby authorized to execute the Agreement and such other documents and to take such further actions, on behalf of the Board of Supervisors, as are necessary to accomplish this transaction, all of which shall be approved as to form by the County Attorney.

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

Adopted this 24<sup>th</sup> day of August, 2015.

## Consideration of changes to the Personnel Policy Manual

Human Resources Director Heidi Conner briefly reviewed the Agenda Item: "In order to offer a more competitive benefit package and to maintain compliant hiring practices, we have developed an amendment to the eligibility portion of our benefits policy. Currently, the policy reads that a full time employee is eligible for health insurance on the first of the month, following 30 days of employment. This results in the possibility of a waiting period of almost 60 days before becoming eligible, which can hinder recruitment efforts. We would like to amend the policy to read: *Any full time employee hired prior to the 15<sup>th</sup>\* of any month, will be eligible for health benefits effective the 1<sup>st</sup> day of the following month. Any full time employee hired after the 15<sup>th</sup> of any month will be eligible for benefits on the 1<sup>st</sup> day of the month following one full month of employment.*

\*Note- The date of hire must be the actual first day on the job that the employee is present and receiving wages.

Example:

Hired on or before 8/15/15        = Eligible 9/1/15

Hired on or after 8/16/15        = Eligible 10/1/15

"As the Board considers this recommendation, members should be aware of the potential for financial impacts, based on the fact that under the proposed scenario, some employees may be receiving an additional month of health insurance benefits, which would not have been received under the existing policy. In addition, and in order to maintain consistency, this policy would be applied to all employees who receive benefits under the County plan, such as constitutional office staff and Regional Jail staff."

Supervisor Lewis asked why the County would not just consider hiring on the 1<sup>st</sup> of the month. Ms. Conner stated that ideally that would work, but operationally it would not always work and could hurt the department which needs to hire someone right away.

Mr. Suter clarified that this change would include all departments receiving payroll from the County.

Chairman Higgins commended Ms. Conner for preparing this change and for also providing training to staff multiple times since her hiring.

Supervisor Hinty moved to approve the change to the Personnel Policy Manual. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

#### **Procurement Policy Amendment- Small Purchase Procedures**

County Attorney Vickie Huffman briefly reviewed the Agenda Item: "The Board has expressed an interest in amending the Small Purchase Procedures

under the Rockbridge County Procurement Policy to improve efficiency in the purchase of goods and services for the County, when funds are budgeted, appropriated and available, while still meeting the intent of the Virginia Public Procurement Act. Virginia Code section 2.2-4303 authorizes localities to adopt a policy to use 'small purchase' procedures when the aggregate or the sum of all phases of the purchase is not expected to exceed \$100,000 for goods and services, other than professional services, and for non-transportation related construction, and when the aggregate or the sum of all phases of a professional services procurement is not expected to exceed \$60,000. A proposed Resolution is attached for the Board's consideration. Approval would amend Section 4-106 of the County Procurement Policy to permit use of the 'small purchase' procedures for goods and services, other than professional services, and for non-transportation related construction not to exceed \$50,000. In addition, it would authorize small purchase procurement for professional services not to exceed \$30,000. The small purchase limits and graduated process are consistent with the policies of a number of other Virginia counties."

Supervisor Lewis asked what prompted Board Members to request this change and asked for examples.

Chairman Higgins stated that this came up for the first time when Supervisor Campbell was Chairman.

Supervisor Campbell stated that multiple times, procurements have been put on hold because of the policy, noting that it could have saved

time to use the proposed policy. Supervisor Campbell provided an example as the time the Landfill desperately needed a mower but had to go through the RFB process.

Solid Waste Director Jeremy Garrett confirmed that this is critical for the Landfill operation when heavy equipment purchases are needed immediately.

Mr. Suter noted that any purchase over \$30,000 would still go through the standard procurement process.

Supervisor Campbell moved to approve the resolution amending and readopting the County's Small Purchase Procedure. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, AUGUST 24, 2015

**RESOLUTION TO AMEND AND READOPT SECTION 4-104 OF THE ROCKBRIDGE COUNTY PROCUREMENT POLICY TO REVISE THE SMALL PURCHASE AND MICROCOMPUTER PURCHASE PROCEDURE**

**WHEREAS**, pursuant to Virginia Code §2.2-4302, the Board of Supervisors of Rockbridge County has established the policies and procedures to be followed by County departments for the procurement of goods, services, insurance and construction (the "Procurement Policy"); and,

**WHEREAS**, Section 4-106 of the County's Procurement Policy provided for "small purchases" in amounts not exceeding \$10,000; and,

**WHEREAS**, by Resolution adopted by the Board on April 8, 1996, the Board increased the contract amount for "small purchases" to \$15,000; and,

**WHEREAS**, Virginia Code § 2.2-4303 authorizes "small purchase" procedures if the aggregate or the sum of all phases is not expected to exceed \$100,000 for goods and services, other than professional services, and for non-transportation related construction; and,

**WHEREAS**, Virginia Code § 2.2-4303 also authorizes "small purchase" procedures for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$60,000; and,

**WHEREAS**, to allow for more efficiency in the County's procurement process, while meeting the intent of the Virginia Public Procurement Act (§§2.2-4300, et seq.), the Board has determined to establish additional procedures for small purchases and to increase the maximum amount to which such small purchase procedures will be applicable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Rockbridge County, Virginia, hereby amends and re-enacts Section 4-106 of the Rockbridge County Procurement Policy as follows:

**Section 4-106. Small Purchase Procedure.**

The following minimum guidelines shall apply to single or term contracts (i) for goods and nonprofessional services in which the aggregate cost or the sum of all phases is not expected to exceed \$50,000, (ii) for non transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$50,000, and (ii) for professional services in which the aggregate cost or the sum of all phases is not expected to exceed \$30,000. Qualifying small purchases shall

not require competitive sealed bids or competitive negotiation, although competition is encouraged, wherever practicable. This procedure may be used only when there are budgeted, unencumbered, and appropriated funds sufficient to pay for the proposed procurement.

Split Purchasing – A split purchase is one in which the original purchase requirement for the same or similar goods or services is broken into multiple smaller purchases in order to avoid going through the formal procurement process. Split purchases are strictly prohibited. If the Purchasing Agent deems a department to be conducting split purchasing, the Purchasing Agent may require such department to go through the Finance Department to procure all expenditures, regardless of amount.

The use of eVA's Quick Quote, or a successor state program, is recommended, especially when there are few local vendors from whom to purchase a particular good or service. If at any time fewer than the required number of quotes or sources cannot be obtained, a written statement of the reasons why obtaining such quotes was not possible shall be placed in the purchasing file and the small purchase may proceed.

Reasonable investigation into price and other terms as may be necessary to protect the interests of the County is required. Competitive pricing is encouraged in accordance with the following minimum standards:

(1) Procurement of goods, non-professional services, and non transportation-related construction not expected to exceed \$50,000.

(a) **Procurement of \$500 or less.**

Procurements of \$500 or less may be made directly by the using department. Prices may be compared in a vendor establishment or by telephone, catalogue, on-line, or other similar means. Only one (1) quote is required; departments should determine if the quote is reasonable, and if not, should obtain a second quote. Retainage of price-comparison

documentation by the using department is recommended for the remainder of the fiscal year, but not required.

**(b) Procurement of more than \$500 and less than \$2,500.**

Procurement for more than \$500 and less than \$2,500 may be made directly by the using department. Price quotes shall be obtained from at least two (2) suppliers, if practicable. Written documentation of each obtained oral quote shall be made and maintained in the file, listing the item requested, date, time, supplier/vendor name, price quoted, and the individual providing the quote. Informal written requests for quotes may also be used. All records related to the procurement shall be maintained by the using department for the remainder of the fiscal year.

**(c) Procurement of \$2,500 or greater and \$30,000 or less.**

For procurement of \$2,500 or greater, but for \$30,000 or less, written price quotes shall be obtained by the using department head from at least three (3) suppliers, if available. Request for quotes may be verbal or written, provided the supplier's quote is in writing. Written quotes may be received by mail, fax, electronic mail or hand-delivery. All records related to the procurement shall be maintained in the file for five (5) fiscal years by the Purchasing Agent, including the quotes solicited, quotes received, and the supplier selected.

**(d) Procurement exceeding \$30,000, but not to exceed \$50,000.**

For procurement exceeding \$30,000, but not to exceed \$50,000, the Purchasing Agent shall informally solicit unsealed written bids, using a written description or brief scope of work provided by the using department and any terms and conditions, from a minimum of four (4) bidders, if available. Written bids may be received by mail, fax, electronic mail or hand-

delivery. The solicitation shall be posted on the County's Bid Posting webpage. Notice of the solicitation may be posted on the Commonwealth of Virginia Department of General Services' central electronic procurement website, when feasible. Bids may be opened, recorded, and tabulated upon receipt; however, to be considered, bids must be received at the stipulated location by the date and hour specified. Bidding information shall not be made public or disclosed until after the date and hour set for receipt of bids. All records related to the procurement shall be maintained in the file for five (5) fiscal years by the Purchasing Agent, including the quotes solicited, written quotes received, and the supplier selected.

(e) When a procurement transaction is made under subsections (1)(a),(1)( b), (1)(c) or (1)(d) of this section, the purchase shall be made from, or the contract shall be awarded to, the supplier quoting or bidding the lowest price, or best value, unless the Purchasing Agent, upon evaluating any specifications or factors included in the solicitation and using the evaluation factors in this policy for competitive sealed bidding, documents in writing a determination that, in the best interest of the County, such procurement should be awarded to a supplier quoting or bidding a higher price. Such determination for purchases at a higher price must be approved by the County Administrator.

(f) All county departments must submit a purchase requisition, with supporting procurement documentation, to the Purchasing Agent for purchases totaling \$2,500 or more.

**(2) Procurement of professional services not expected to exceed \$30,000.**

For the procurement of professional services not expected to exceed \$30,000, the end-user department head requesting professional services under this procedure shall submit a statement to the Purchasing Agent, detailing the services needed. Upon verification of the funding, the Purchasing Agent shall prepare a Request for Professional Services (RFPS), to include a brief description of the scope of work provided by the using department, the County's General Terms and Conditions, and

any special terms and conditions including unique capabilities or qualifications that will be required. Requests for Professional Services shall be posted on the County Bid Posting webpage and may be sent to vendors that provide the service. The RFPS may be posted on the Commonwealth of Virginia Department of General Services' central electronic procurement website. Qualifications shall be solicited from a minimum of four (4) professional service providers. The Purchasing Agent and the department head together shall evaluate all proposals based on criteria as set out in the RFPS and then shall enter into negotiations with the offeror who, in their opinion, submitted the best proposal. Upon satisfactory negotiations, the County shall extend an offer of contract award. The Purchasing Agent may issue a Purchase Order for agreements less than \$10,000. If the contract price exceeds \$10,000, a contract will be executed by the professional service provider and the County Administrator, in lieu of a Purchase Order.

This Resolution shall be effective as of August 1, 2015.

Adopted this 24<sup>th</sup> day of August, 2015.

#### **Zoning Ordinance Amendment- Service Station Canopy Regulations**

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item: "Discussion continues on this proposed amendment to the regulations that would allow for the lighting of the sides of fuel island canopies. As we previously discussed, Lee Hi Travel Plaza has proposed to upgrade their canopy to include lighting the fascia and had asked the Planning Commission to consider this amendment. Canopies are

currently allowed 30 square feet of lit signage on the fascia. The Commission considered this carefully but has recommended not to amend the regulations, thinking that existing lighting under the canopies, 30 square feet of lit signage on the fascia and parking lot lighting was adequate for both safety and advertising purposes. Additionally, the Commission felt that the proposed amendment opened the door for other store fronts to request the same. Currently all structures, buildings and canopies are prohibited from installing strings of lights or light bars. Finally, the Commission noted that some service stations are located in rural areas or in close proximity to existing homes and that the amendment could have a negative effect in those areas."

Mr. Slaydon presented PowerPoint images of current canopies throughout the County and images of canopies being proposed. Mr. Slaydon reviewed the following in his presentation:

- July 8, 2015 the Planning Commission [PC] held their public hearing
  - After careful consideration the Planning Commission recommended to deny the proposed ordinance amendment.
  - The Commission felt that the proposed amendment opened the door for other store fronts to request the same.
  - Currently all structures, buildings and canopies are prohibited from having strings of light, or light bars on the sides of the structure.
  - The Commission felt that the proposal would not have any positive impacts on safety/lighting of the area and that the proposed amendment would have a negative effect on nighttime viewsheds.

- The PC felt that the existing 30 square feet of illuminated signage currently allowed on the canopy was ample size for advertising/branding.
- The ordinance had been in place since 1998 and just about every gas station has requested the same modification.
- The PC felt that some service stations are located in close proximity to existing homes and that the amendment could have a negative effect in those areas and surrounding areas
- Concern was expressed over increased workload on staff, and possible problems with enforcement
- Consistency over time with all businesses and other types of businesses in the County

Corey Berkstresser, General Manager of Lee Hi Travel Center, stated that the images on the PowerPoint showed much larger canopies and that the light footprint on the County would be minimal.

Supervisors Campbell and Hinty shared their concern of "upward light".

Mr. Slaydon stated that it is not permitted to put lights on the top of the canopy.

Supervisor Campbell asked that that language be added to the ordinance.

Mr. Slaydon confirmed that specific wording "light fixtures shall be fully shielded" be added to the ordinance.

Supervisor Ford stated that this change should lead to "no net gain" of illumination.

Supervisor Campbell moved to adopt the ordinance. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,  
AUGUST 24, 2015

**Ordinance to Amend the Rockbridge County Land Development Regulations in Section 706.07-3 of Article 7 – Use Regulations, and in Section 1303.06(4) of Article 13 – Development Plan Requirements, to Allow Lighting of the Sides of Fuel Island Canopies**

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this amendment to the Land Development Regulations on July 8, 2015, and recommended to the Board that this text amendment not be approved; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on August 10, 2015; and,

WHEREAS, legal notice has been provided in accordance with Section 15.2-2204 of the Code of Virginia (1950, as amended) and Section 802.04 of the County of Rockbridge Land Development Regulations; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has determined that the provisions of this ordinance generally promote the health, safety and general welfare of the public, that the

amendment is required by good zoning practice and accomplishes the objectives set forth in Va. Code Section 15.2-2200, and that the amendment serves one or more of the purposes set forth in Va. Code Section 15.2-2283 of the Code of Virginia.

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

1. That Section 706.07-3, of Article 7 – Use Regulations, of the Rockbridge County Land Development Regulations be amended and reenacted as follows:

**ARTICLE 7. USE REGULATIONS**

\*\*\*\*\*

**706.00 SIGNS**

\*\*\*\*\*

706.07 Prohibited Signs in all Districts:

\*\*\*\*\*

706.07-3 Strings of lights which include lights that outline property lines, sales area, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity, except lights which are part of a holiday decoration, illuminate a Christmas tree sales lot, recreational resorts, or the interior of fuel island canopies.

\*\*\*\*\*

2. That Section 1303.06(4) of Article 13 – Development Plan Requirements, of the Rockbridge County Land Development Regulations, be amended and reenacted as follows:

**ARTICLE 13. DEVELOPMENT PLAN REQUIREMENTS**

\*\*\*\*\*

**1303.00 OUTDOOR LIGHTING REQUIREMENTS AND RESTRICTIONS**

\*\*\*\*\*

1303.06 Lighting of Gasoline Station/Convenience Store Aprons and Canopies. Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. Signs allowed elsewhere in this Ordinance are to be used for that purpose.

- (1) Areas around the pump islands and under canopies shall be illuminated so that the average maximum horizontal illuminance at grade level is no more than fifteen (15) foot-candles. In design of canopy lighting, fifteen (15) foot-candles at grade level can be achieved by designing lighting that does not exceed forty (40) lumens per square foot of canopy area.
- (2) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this Ordinance. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- (3) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture so that the light trespass and glare is restricted to no more than five (5) feet beyond the property line.
- (4) Lights shall not be mounted on the top of the canopy, and all lighting fixtures shall be fully shielded; and provided that all other lighting is in conformity with Section 1303.06, the maximum level of illumination on the interior of the vertical surface of the canopy shall not exceed three (3.0) foot-candles.

\*\*\*\*\*

3. That this ordinance shall be in full force and effect on and from the date of its adoption.

Adopted this 24<sup>th</sup> day of August, 2015.

### **Adjourn**

With no further business to discuss, the meeting was adjourned by unanimous roll call vote at 7:20 P.M.

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

