

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA HELD AT THE NEW 911 CENTER LOCATED AT 100 BANER LANE IN BUENA  
VISTA, VIRGINIA AT 4:30 P.M. ON MONDAY, MARCH 27, 2017

PRESENT: CHAIRMAN D.W. HINTY JR, VICE CHAIRMAN J.M. HIGGINS,  
R.S. FORD, A.W. LEWIS, JR., R.R. CAMPBELL

CLERK TO THE BOARD: S. H. SUTER  
COUNTY ATTORNEY: V.L. HUFFMAN

Chairman Hinty convened the Work Session at 4:30 p.m.

**Field Trip to 911 Center**

The Board of Supervisors toured the new 911 Center.

**Budget Work Session #4**

Budget Work Session #4 was cancelled.

Chairman Hinty closed the Work Session at 5:00 p.m. to return to the  
County Administrative Office Building for the regular meeting at 5:30 p.m.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING AT  
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA  
ON MONDAY, MARCH 27, 2017 AT 5:30 P.M.

PRESENT: CHAIRMAN D.W. HINTY JR, VICE CHAIRMAN J.M. HIGGINS,  
R.S. FORD, A.W. LEWIS, JR., R.R. CAMPBELL

CLERK TO THE BOARD: S. H. SUTER  
COUNTY ATTORNEY: V.L. HUFFMAN

**Call to Order**

Chairman Hinty called the meeting to order at 5:30 p.m. Supervisor Campbell delivered the invocation and led in the Pledge of Allegiance.

**Recognitions/Presentations**

**Recognition of Mohawk Industries**

Supervisor Lewis read aloud the following resolution:

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,  
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, MARCH 27, 2017**

**RESOLUTION**

**WHEREAS**, Mohawk Industries has been located in the Town of Glasgow for over eighty (80) years, providing employment opportunities and tax base to the Town and County; and,

**WHEREAS**, Mohawk Industries has been a leader in the textile industry with new innovations and production techniques that have kept them vital over these years; and,

**WHEREAS**, Mohawk Industries made a significant financial contributions exceeding \$100,000 to local charities and emergency service providers in 2016, including a \$75,000 grant to the Glasgow Volunteer Fire Department; and,

**WHEREAS**, Mohawk Industries has committed \$16,500 to the Glasgow Life Saving and First Aid Crew for 2017; and,

**WHEREAS**, the Rockbridge County Board of Supervisors recognizes the importance of the numerous and significant grant and charitable contributions by Mohawk Industries to the Community.

**NOW, THEREFORE, BE IT RESOLVED:** that the Rockbridge County Board of Supervisors does hereby express its deep appreciation to Mohawk Industries for the many contributions it has and continues to make, in support of our Community.

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

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

The Board presented a framed resolution to Todd Shail, General Manager of Mohawk Industries.

### **Healthcare Decisions Day Proclamation**

Supervisor Ford read aloud the following proclamation:

#### **Healthcare Decisions Day Proclamation**

**WHEREAS**, *Healthcare Decisions Day* is designed to raise public awareness of the need to plan ahead for health care decisions, related to end of life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important health care decisions; and,

**WHEREAS**, in Rockbridge County, VA, the Five Wishes Advance Directive and Living Will program, provided courtesy of Rockbridge Area Hospice, provides the specifics and offers a model form for patient use; and,

**WHEREAS**, it is estimated that only about 20 percent of people in Rockbridge County, VA have executed an advance directive. Moreover, it is estimated that less than 50 percent of severely or terminally ill patients have an advance directive; and,

**WHEREAS**, it is likely that a significant reason for these low percentages is that there is both a lack of knowledge and considerable confusion in the public about Advance Directives; and,

**WHEREAS**, one of the principal goals of *Healthcare Decisions Day* is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement communities, and hospices to participate in a State-wide effort to provide clear and consistent information to the public about advance directives, as well as to encourage medical professionals

and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of Rockbridge County citizens with advance directives; and,

**WHEREAS**, Rockbridge Area Hospice and other organizations throughout Virginia have endorsed this event and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and,

**WHEREAS**, as a result of April 16, 2017, being recognized as *Healthcare Decisions Day* in Rockbridge County, VA, more citizens will have conversations about their health care decisions; more citizens will execute Advance Directives to make their wishes known; and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient.

**NOW, THEREFORE, BE IT RESOLVED:** that the Rockbridge County Board of Supervisors hereby recognizes April 16, 2017, as **HEALTHCARE DECISIONS DAY** in Rockbridge County, VA, and call this observance to the attention of all our citizens.

Supervisor Ford moved to approve the proclamation. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

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

The Board presented a signed resolution to Michelle Jones of Hospice. Ms. Jones thanked the Board of Supervisors for their support and contributions.

### **Citizens Comments**

Sharon Myrick of the Buffalo Magisterial District shared her thoughts that the Board of Supervisors were micromanaging the School Board, asking that the Board of Supervisors put economic development as their priority instead of managing the School Board, and to trust the School Board more.

William Wade of the Kerrs Creek Magisterial District spoke of his concern about the removal of the Jordan's Point Dam, as it would affect boaters and fish habitats.

Michael Henning of the Buffalo Magisterial District spoke of his concern regarding the way the Board handled a recently approved Special Exception Permit for The Seclusion, LLC. He asked the Board to explain why they would want Special Exception Permits to be consistent when each Special Exception Permit should be considered differently.

Supervisor Lewis replied that it is the Board's prerogative to approve or deny recommendations from the Planning Commission. He advised that he had served on the Planning Commission and as a supervisor would usually approve what they recommended; however, in this case, the changes were made for consistency with other Special Exception Permits. He asked the Chair if it would be all right for the Zoning Administrator to send him an explanation of the Board's action.

Mr. Henning reiterated that each Special Exception Permit is "special" and therefore should not be consistent with others

Chairman Hinty replied that he would get an answer for Mr. Henning. He asked him to leave his address and phone number with the Board, and he would receive the answer as to why.

Patrick Bradley of Lexington shared his disappointment about the Board's decision to not fully fund the School Board's budget request. He stated that he believes the School Board and the Board of Supervisors do not have a good relationship - one that would make the School Board comfortable requesting the funds that they really need, but instead

submitting a smaller budget request, after which the Board of Supervisors appropriates even less than that request. He reminded the Board that he had submitted a letter signed by 95% of the teachers at the high school that explained the importance of fully funding the School Board's request, and now, the students will be hurt because of the decision made.

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

Finance Director Steven Bolster added a Budget Discussion to the end of the Agenda regarding the advertisement of the County and SWA public hearings.

#### **Approval of the March 13, 2017 Minutes**

Supervisor Ford moved to approve the March 13, 2017 Minutes. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

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

#### **Approval of Schools Appropriation Resolution**

Mr. Bolster presented the Schools' Appropriation Resolution and recommended approval.

Supervisor Lewis moved to approve the Schools Appropriation. 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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, MARCH 27, 2017 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, 2017** in **FUND 50, SCHOOL FUND** and expended as follows:

**Additional Revenue Sources**

4-50-63200-1582-915-603 Salaries.....	\$2,498.00
4-50-63200-6008-915-603 Fuel.....	\$5,288.00
4-50-63200-1381-915 Part-time Op Wages.....	\$8,448.00
<b>Subtotal</b>	<b>\$16,234.00</b>

**New Grants**

**Carl Perkins 2016**

4-50-61100-3160-910-300-862 Purchased Services.....	\$3,231.00
4-50-61100-5800-910-300-862 Misc. (Other Services).....	\$2,404.00
4-50-61100-6013-910-300-862 Materials & Supplies.....	\$28,924.00
<b>Subtotal</b>	<b>\$34,559.00</b>

**TOTAL FUND 50 APPROPRIATIONS** **\$50,793.00**

**Public Hearings at 6:00 p.m.**

**Angela Grant and Sandy Porterfield- Special Exception for Campground in A-2**

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item: "Angela Grant and Sandy Porterfield have applied for a special exception permit to develop a primitive campground in A-2,

per Section 603.03-15 of the Regulations. Their property is located off of the north side of Gibbs Run, just east of its intersection with Spring Run Lane near Raphine. The plan is to build a small yurt with no utilities and utilize a vault toilet approved by the Health Department. They expect to limit the number of guests to eight. The Planning Commission has recommended approval of this project with attached conditions." He then read aloud the Conditions:

## **Exhibit A**

### **Special Exception Permit Conditions**

**Angela M. Grant and Sandra K. Porterfield**

**(Tax Map # 27-A-9A)**

1. Substantial Compliance with concept plan prepared by Angela M. Grant and Sandra Porterfield, dated January 19, 2017.
2. Camping will be limited to a maximum of 8 attendees.
3. Adequate off-street parking facilities and no parking within the right-of-way of Gibbs Run Lane.
4. Any amplified music must be within an enclosed structure and concluded by 10:00 p.m.
5. Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.
6. No aerial fireworks shall be permitted. No unattended outdoor fires shall be permitted.
7. Camping will be limited to primitive camping and no R.V.'s on site.
8. Finished floor of proposed yurt shall be elevated one (1) foot above the 100 year flood zone.
9. Approval contingent on VDOT, Building Department and Health Department approval.

Applicants Angela Grant and Sandy Porterfield came forward to answer any questions.

Chairman Hinty opened the Public Hearing at 6:03 p.m. There were no comments. Chairman Hinty closed the Public Hearing.

Supervisor Campbell moved to approve the Ordinance granting the Special Exception Permit. Supervisor Higgins provided the second.

Supervisor Higgins then asked that there be consistency in the Special Exception Permit Conditions, allowing music until 11:00 p.m.

Supervisor Lewis asked how far the nearest resident would be from the proposed location.

Mr. Slaydon replied that the distance is about 850 feet.

Ms. Grant noted that there is no electricity at the site, so amplified music would not be an issue at any time.

Supervisor Campbell moved to amend his motion to approve the Ordinance, changing the time music must be concluded by from 10:00 p.m. to 11:00 p.m. Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Supervisor Ford supported the issuance of the Special Exception but added that he saw no reason to make all such exceptions "consistent" as to times and numbers of guests.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY,  
MARCH 27, 2017

**Ordinance Granting a Special Exception Permit to Angela M. Grant and Sandra K. Porterfield for a Campground on Property in the Agricultural and General Uses**

**District (A-2), Located at 205 Gibbs Run Lane, Raphine, Virginia (Tax Map # 27-A-9A) in the Walker's Creek Magisterial District**

WHEREAS, Angela M. Grant and Sandra K. Porterfield, the applicants and owners of the 205 Gibbs Run Lane property, designated as Tax Map #27-A-9A, in the Walker's Creek Magisterial District, have applied for a special exception permit to create a Yurt Campground; and,

WHEREAS, the subject property is located in the Agricultural and General Uses District (A-2) and Campgrounds are a use requiring a special exception permit per Section 603.03-15 of the Rockbridge County Land Development Regulations; and,

WHEREAS, the Planning Commission held a public hearing on the application on March 8, 2017, and recommended approval with specified conditions to the Board of Supervisors; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on March 27, 2017; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

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

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

1. That the Board of Supervisors finds that the granting of a special exception permit to Angela M. Grant and Sandra K. Porterfield to construct and operate a Campground on the property at 205 Gibbs Run Lane, Raphine, Virginia, and identified on the Rockbridge County Land Records as Tax Map #27-A-9A, located in the Walker's Creek Magisterial District of Rockbridge County, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

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

Adopted this 27<sup>th</sup> day of March, 2017.

## **Exhibit A**

### **Special Exception Permit Conditions**

**Angela M. Grant and Sandra K. Porterfield**

**(Tax Map # 27-A-9A)**

1. Substantial Compliance with concept plan prepared by Angela M. Grant and Sandra Porterfield, dated January 19, 2017.
2. Camping will be limited to a maximum of 8 attendees.
3. Adequate off-street parking facilities and no parking within the right-of-way of Gibbs Run Lane.
4. Any amplified music must be within an enclosed structure and concluded by 11:00 p.m.
5. Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.
6. No aerial fireworks shall be permitted. No unattended outdoor fires shall be permitted.
7. Camping will be limited to primitive camping and no R.V.'s on site.
8. Finished floor of proposed yurt shall be elevated one (1) foot above the 100 year flood zone.
9. Approval contingent on VDOT, Building Department and Health Department approval.

### **Consideration of Radio System Financing Agreement- Phase II**

Mr. Bolster briefly reviewed the Agenda Item: "In 2014, the County and the Cities of Lexington and Buena Vista entered into an agreement to procure a new, regional emergency communications system (Radio System). As the prime funder by formula, the County accepted the responsibility for

financing of the Radio System project. Logistics and schedule dictated executing two borrowings: 1) System Infrastructure (the "backbone" of the microwave and land/mobile communications) and 2) System Hardware (the actual radios which will be employed by end users in the field). The April 9, 2014 Commitment Letter from PNC Equipment Finance (PNC) contemplated a Master Lease, with lease arrangements for both the infrastructure financing and radios financing at 15-year and 10-year terms, respectively. The System Infrastructure financing was completed in June 2015 to allow for the build out of the system by our service provider, Harris Communications. As you know, the implementation of the System Infrastructure was expected to be substantially completed during the spring of 2017. In that we did not want warrantees on field units to start until close to the time when the radios would actually be used, it made little sense to buy the actual radios (System Hardware) until the system backbone was nearly complete. Based on the delay caused by the inability of the state and federal government to agree on tower leases, it appears that the final implementation and testing of the system backbone will be delayed until late summer or early fall. However, in order to maintain the overall process, Harris has pledged to also delay commencement of the warrantee period for all system components including subscriber units, until system acceptance. Thus, the final System Hardware order was approved on the original schedule and submitted by the Communications Board to Harris Corporation in February 2017. Final deliveries are expected on or around March 31, 2017 and programming of the field units and user training will be conducted over the summer.

Staff has coordinated the equipment-lease financing for the System Hardware to close on March 31st. It has been determined by bond counsel that a portion of the System Hardware financing must be done on a taxable, interest-rate basis given that the use of equipment by regional volunteer agencies does not meet IRS rules for tax-exempt, bank-qualified financing. The aggregate principal component of rental payments under the lease schedules for the System Hardware shall not exceed \$2,686,619, representing a \$1,110,144 principal amount on a tax-exempt, bank-qualified basis, and a \$1,576,475 principal amount on a taxable, interest-rate basis. This includes costs of issuance for bond counsel. As of today, PNC is using the following anticipated rates: 2.65% for the tax-exempt, bank-qualified portion of the lease, and 4.023% for the taxable portion of the lease, with such rates to be set three days before closing. Both rates are subject to change according to a calculation based on a Federal Reserve index. Please find the following attachments to this agenda report to assist with your consideration: resolution authorizing the subscriber unit equipment-lease with PNC and the 2016 amendment to the Rockbridge Regional Central Dispatch Agreement."

Supervisor Lewis moved to approve the Resolution shown below. Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,  
MARCH 27, 2017

**RESOLUTION TO APPROVE AND AUTHORIZE A LEASE-PURCHASE AGREEMENT  
WITH PNC EQUIPMENT FINANCE, LLC, AS LESSOR, FOR INFRASTRUCTURE AND  
EQUIPMENT COSTS ASSOCIATED WITH A RADIO SYSTEM UPGRADE**

WHEREAS, the CITY OF BUENA VISTA, the CITY OF LEXINGTON, and the COUNTY OF ROCKBRIDGE (“Rockbridge”), herein collectively referred to as the “Jurisdictions,” established the Rockbridge Regional Public Safety Communications Center (the “Center”) by Agreement dated July 1, 1997 (the “1997 Agreement”), to be operated by an independent regional board, for consolidated dispatch of emergency services in the region; and

WHEREAS, in order to further consolidate law enforcement, fire, rescue and other emergency services into the Center, the Jurisdictions entered into the Rockbridge Regional Central Dispatch Agreement with an effective date of May 1, 2013 (the “2013 Agreement”), which amended and superseded the 1997 Agreement, to further consolidate law enforcement, fire, rescue and other emergency services into the Center; and

WHEREAS, the Center and the Jurisdictions reached a Supplemental Agreement for the Radio System Upgrade (defined below) dated March 25, 2014 (“Supplemental Agreement”), to, amongst other things, supplement the provisions of Section 4(c) of the 2013 Agreement by providing for the payment arrangements of the proportionate shares of the Radio System Upgrade by the Jurisdictions, including payment to Rockbridge of the payments due under lease-purchase financing agreements; and

WHEREAS, on July 1, 2016, the Jurisdictions entered into an amended Rockbridge Regional Central Dispatch Agreement, with an effective date of April 1, 2013 except as otherwise provided therein, to supersede the 2013 Agreement and consolidate all of the aforementioned agreements, including incorporation of the Supplemental Agreement. For convenience, the foregoing agreements are collectively referred to as the “Amended Agreement;” and

WHEREAS, the Center issued a Request for Proposals (“RFP”) on December 28, 2012, for a radio communications system and services as set forth therein; and,

WHEREAS, Harris Corporation, a Delaware corporation, acting through its RF Communications Division (“Harris Communications”) delivered a proposal to provide the radio communication system and services requested by the Center in the RFP; and,

WHEREAS, the Center issued a Request for Best and Final Offer (“BAFO”), dated August 29, 2013, and Harris Communications submitted its BAFO, dated September 13, 2013; and,

WHEREAS, the Center selected the Harris Communications’ proposal and BAFO as the top ranked proposal, and upon approval from the Jurisdictions, the Center negotiated and entered into contracts with Harris Corporation to provide the equipment and facilities, and the related construction and installations, for the radio system upgrade as provided in the System Purchase Agreement dated March 25, 2014, for the system infrastructure, and the Subscriber Agreement dated March 25, 2014, for the system radios (collectively, the “Radio System Upgrade”) and, the System Maintenance Agreement dated March 25, 2014, for maintenance of the radio system; and,

WHEREAS, because Rockbridge will be responsible for the majority of the costs associated with the Radio System Upgrade, Rockbridge expressed its willingness to lease-purchase finance the equipment, facilities, construction and installations for the Radio System Upgrade, as provided in the System Purchase Agreement (the "Infrastructure Project"), and for the purchase and installation of the radios for the end-users of the system for the Radio System Upgrade, as provided in the Subscriber Agreement (the "Terminal Hardware Project"); and

WHEREAS, as contemplated by the Jurisdictions and the Center under the Amended Agreement, the Center, with consent of Harris Communications, transferred and assigned to Rockbridge its interests in the System Purchase Agreement, the Subscriber Agreement, and the System Maintenance Agreement (all as may be amended from time to time, if at all, the "Agreements"), pursuant to an Assignment of Contracts and Lease of Financed Assets (the "Assignment") in order to facilitate the lease-purchase financing for the Radio System Upgrade by Rockbridge, as described herein, and provide for the ownership of all such lease-purchased assets (the "Financed Assets") by Rockbridge; and

WHEREAS, notwithstanding such transfer and assignment of the Agreements by the Center to Rockbridge pursuant to the Assignment for such lease-purchase financing purposes, Harris Communications shall continue to work cooperatively and directly with the Center in order for the Center to accomplish the Radio System Upgrade and fulfill the purposes of the System Maintenance Agreement, all as contemplated under the Amended Agreement; and

WHEREAS, pursuant to the Assignment, Rockbridge leased to the Center all Financed Assets in order for the Center to carry out the intent and purpose of the Amended Agreement, including the accomplishment of the Infrastructure Project and the Terminal Hardware Project; and

WHEREAS, ownership of all Financed Assets in connection with the Radio System Upgrade shall remain with Rockbridge until maturity or other prepayment or early termination of the lease-purchase agreement(s) between Rockbridge, as lessee, and the financing lessor, when, at such maturity or other prepayment or early termination, the ownership of all Financed Assets will be transferred and assigned by Rockbridge to the Center for its purposes, as contemplated under the Amended Agreement; and

WHEREAS, pursuant to the Amended Agreement, the Center has and will continue to provide comprehensive project management of the Radio System Upgrade until official system acceptance, at which time the Radio System Upgrade will be considered complete, and further, the Center will be responsible for ongoing maintenance and repairs of the radio system, and the costs therefor, including but not limited to the costs under the ten-year System Maintenance Agreement, and any site rentals and utility costs shall be funded as operating expenses of the Center under the Amended Agreement; and

WHEREAS, the Center will license the use of the end-user radio equipment to various local governmental and nonprofit public safety agencies for public safety uses pursuant to a License Agreement, or similar agreements; and

WHEREAS, PNC Equipment Finance, LLC and its successors and assigns ("Lessor") previously offered to assist Rockbridge and provide lease purchase financing to Rockbridge in the maximum aggregate principal amount of up to \$7,948,864 in order for Rockbridge to lease-purchase finance the Infrastructure Project and Terminal Hardware Project, as described in this Resolution, pursuant to the terms and conditions set forth in Lessor's April 9, 2014 proposal, as may be amended from time to time; and

WHEREAS, on June 29, 2015 Rockbridge undertook the lease-purchase financing of a substantial portion of the Infrastructure Project, as reflected in a Master Equipment Lease-Purchase Agreement, Series 2015 (the "Tax-Exempt Master Lease"), with \$4,931,097 Tax-Exempt Lease Schedule No. 19126900 ("Bank-Qualified") and a Master Equipment Lease-Purchase Agreement (Taxable), Series 2015 (the "Taxable Master Lease"), with \$297,767 Taxable Lease Schedule No. 19128000; and

WHEREAS, the lease-purchase financing arrangements for the remaining portion of the Infrastructure Project and the Terminal Hardware Project, will be reflected in Lease Schedule No. 203943000 to the Tax-Exempt Master Lease for the tax-exempt, "bank-qualified" portion of the lease-purchase, and in Lease Schedule No. 203942000 to the Taxable Master Lease for the taxable portion of the lease-purchase, (as set forth hereafter), and together with other documents in connection therewith (collectively, the "Lease"); and

WHEREAS, pursuant to the Lease, Lessor will pay the costs of the remaining portion of the Infrastructure Project and the Terminal Hardware Project to be owned by Rockbridge in order for Rockbridge to lease the remaining portion of the Infrastructure Project and the Terminal Hardware Project to Lessor, and simultaneously, Lessor will lease-back the remaining portion of the Infrastructure Project and the Terminal Hardware Project to Rockbridge, and further, Rockbridge shall lease such Financed Assets to the Center under the Assignment for the purposes described above; and

WHEREAS, Rockbridge reasonably expects the remaining portion of the Infrastructure Project and the Terminal Hardware Project to continue to be essential to the functions of Rockbridge, the Center, and the purposes of the Amended Agreement, for a period of not less than the term of the Lease; and

WHEREAS, Rockbridge, or the Center, has taken (or will take, as the case may be) the necessary steps under the Virginia Public Procurement Act, Chapter 43, Title 2.2 of the Code of Virginia, 1950, as amended, to arrange for the acquisition of the remaining portion of the Infrastructure Project and the Terminal Hardware Project; and

WHEREAS, the principal proceeds made available under the Lease will be deposited on the closing date in interest-bearing accounts (in order to respect the nature of the tax-exempt, "bank-qualified" proceeds and the taxable proceeds of the Lease, respectively) to be held by Lessor or such other financial institution as may be selected by Lessor and approved by Rockbridge, as Escrow Agent, pursuant to the terms of an Escrow Agreement (or multiple escrow agreements, as the case may be) between Lessor, Rockbridge, and the Escrow Agent (the "Escrow Agreement") dated on or around the date of the Lease, and such proceeds, including interest earnings thereon, will be applied by Rockbridge to pay the costs of the remaining portion of the Infrastructure Project and the costs of the Terminal Hardware Project, as allocated with respect to the tax-exempt, "bank-qualified" and taxable proceeds, all in accordance with the terms of the Escrow Agreement, among other things; and

WHEREAS, all amounts payable by Rockbridge under the Lease are subject to sufficient appropriations therefor from the Board of Supervisors of Rockbridge County, Virginia (the "Board"), upon due request of the County Administrator or other officer of Rockbridge charged with the responsibility of preparing Rockbridge's budget for each fiscal year, and Rockbridge is under no obligation to make any appropriation with respect to the Lease; and

WHEREAS, the Lease shall not constitute a general obligation of Rockbridge, or a pledge of the full faith and credit of Rockbridge, or a charge against the general credit or taxing power of

Rockbridge, and any amounts payable by Rockbridge under the Lease shall not constitute a debt of Rockbridge within the meaning of any constitutional or statutory limitation under Virginia law.

**NOW THEREFORE, BE IT RESOLVED by the Board, as follows:**

1. Essential Governmental Purpose of Project. Rockbridge hereby finds and determines that the remaining portion of the Infrastructure Project and the Terminal Hardware Project and the terms and conditions of the Lease, including the payment of rental payments to Lessor in connection with such lease-purchase arrangements, are in the best interests of Rockbridge for the acquisition and long-term financing of the remaining portion of the Infrastructure Project and the Terminal Hardware Project, and are in furtherance of the essential governmental purposes of Rockbridge.

2. Ratification, Approval, and Confirmation of Assignment and Arrangements thereunder. Rockbridge hereby ratifies, approves and confirms the prior acceptance of the Assignment from the Center to Rockbridge of the Center's interests in the System Purchase Agreement, the Subscriber Agreement, and the System Maintenance Agreement (all as may be amended from time to time, if at all), and to provide for the ownership of the Financed Assets by Rockbridge in order to facilitate the lease-purchase financing for the Radio System Upgrade by Rockbridge, as described herein. Further, Rockbridge ratifies, approves, and confirms the prior simultaneous lease of the Financed Assets to the Center for the purposes described above under the Assignment, and further, the license of the end-user radio equipment to the various local governmental and non-profit agencies under the License Agreement or similar agreements.

3. Approval of Lease and Arrangements thereunder; Forms and Details thereof. The substantially final terms and provisions of the Lease as described at this meeting are hereby accepted and approved, including the payment of all or any portion of the issuance costs and other costs relating to the Lease, filing fees (if any), escrow fees, and any other amounts required under the Lease, either from original proceeds of the Lease, or from County funds all in discretion of the Director of Fiscal Services. As required by Lessor, Rockbridge and/or the Center shall be responsible for all costs of operation, maintenance, insurance and taxes with respect to the Lease.

(a) Principal Components of Lease: The aggregate principal component of rental payments under the respective schedules to the Lease shall not exceed \$2,686,619, representing an up to \$1,110,144 principal amount of lease-purchase financing on a tax-exempt, "bank-qualified" basis, and an up to \$1,576,475 principal amount of lease-purchase financing on a taxable basis.

(b) Interest Components of Lease: The interest components of rental payments under the Lease shall be fixed three days prior to the Closing Date by the Lessor, and such interest components are approved up to a maximum amount of 5.0% per annum. For example purposes only, such rates are currently quoted at 2.65% per annum for the tax-exempt, "bank-qualified" lease-purchase financing, and at 4.023% per annum for the taxable lease-purchase financing.

(c) Terms of Lease; Prepayment: For the Lease, Rockbridge shall pay ten (10) annual payments of rental on each of the tax-exempt, "bank-qualified" and taxable schedules of the Lease during the term thereof, with all such rental payments thereunder being due and payable by Rockbridge within ten (10) years of the Closing Date.

The respective Lease schedules shall not be subject to prepayment by Rockbridge during the first three (3) years of the term thereof. However, on the date that shall be four (4) years after the Closing Date, Rockbridge shall have the option to purchase all, but not less than all, of the Financed Assets represented by the respective Lease Schedules by paying to Lessor all rental

payments then due on such rental payment due date, plus the outstanding principal balance of the respective Lease Schedules and prepayment charges at the applicable Termination Value set forth in such respective Lease Schedules.

(d) Registration of Lease; Appointment of Registrar thereof. The Lease shall be fully registered. The Director of Fiscal Services is hereby appointed as Registrar of the Lease, as required under Section 149 of the Internal Revenue Code of 1986, as amended (the "Tax Code").

4. Execution, Delivery and Performance of Lease, Escrow Agreement, Other Documents. The Lease, the Escrow Agreement(s), and other legal documentation required by Lessor in connection therewith (collectively, the "Lease Documents"), are hereby approved in substantially the forms presented or described at this meeting, and the execution, delivery, and performance thereof are hereby authorized. The Chair and Vice Chair of the Board, and the County Administrator and the Director of Fiscal Services, any one or more of whom may act, are each hereby appointed as Authorized Representatives under the Lease, and, further, are each authorized and directed to execute, acknowledge, and deliver the Lease Documents and other documentation as may be advised by legal counsel, together with any changes, insertions and omissions therein as may be approved by any one or more of such individuals who shall execute the Lease Documents, such approval to be conclusively evidenced by such execution and delivery thereof. The Clerk of the Board (or any Assistant Clerk) is authorized and directed, if required, to affix or to cause to be affixed the seal of Rockbridge to the Lease and any other documentation in connection with the Lease, and to attest such seal. Each officer or agent of Rockbridge is further authorized and directed to execute and deliver on behalf of Rockbridge all such additional instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized herein or contemplated by the Lease, including, but not limited to all such instruments and performance of acts as may be required pursuant to the provisions of the Tax Code and Treasury Regulations thereunder and the laws of the Commonwealth of Virginia. All of the foregoing acts previously performed by such officers or agents of Rockbridge are in all respects approved, ratified and confirmed.

5. Tax Compliance Matters. Rockbridge hereby represents and covenants that the remaining portion of the Infrastructure Project, the Terminal Hardware Project, and all proceeds thereof including investment earnings thereon, shall be used for the essential governmental purposes of Rockbridge (or the Center) throughout the entire term of the Lease. To that end, to the extent that the principal amount of the Lease, together with any interest earnings on such proceeds thereof, shall exceed the actual cost of the remaining portion of the Infrastructure Project and the Terminal Hardware Project, it is to be understood that Rockbridge hereby authorizes that any such additional amounts available under the Lease, if any, shall be expended by Rockbridge for capital projects for essential governmental purposes of Rockbridge (or the Center), or as otherwise may be required under the Tax Code, including the optional prepayment of all or any portion of the outstanding principal amount of the Lease.

Notwithstanding anything, with regard to the tax-exempt, "bank-qualified" portion of the Lease, Rockbridge shall comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds" within the meaning of the Tax Code. Rockbridge further covenants that (i) the tax-exempt proceeds from the issuance and delivery of the Lease (including investment earnings thereon), all as described under the Tax Code, will be expended as set forth in the Lease Documents, (ii) Rockbridge shall comply with the covenants and representations contained in the Lease and otherwise contemplated thereunder, and further, the provisions of the Post-Issuance Tax Compliance Procedures adopted by Rockbridge on February 27, 2012 (as may be amended or supplemented from time to time), and (iii) Rockbridge shall comply with the provisions of the Tax Code so that the bank-qualified, tax-exempt interest component of the rental

being paid by Rockbridge to Lessor will remain excludible from gross income for Federal income tax purposes.

6. "Bank-Qualified" Designation Matters. Rockbridge hereby designates the Lease Schedule No. 203943000 portion of the Lease as a qualified tax-exempt, "bank qualified" obligation pursuant to the terms and provisions of Section 265(b)(3) of the Tax Code eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance therewith. In such regard, it is to be understood that the principal amount of the Lease will be taken into account in determining the status of Rockbridge as a qualified small issuer for the calendar year 2017 pursuant to Section 265(b)(3) of the Tax Code. Rockbridge does not reasonably anticipate having more than \$10,000,000 in qualified tax-exempt obligations during calendar year 2017 issued by the County, including any "subordinate entities of the County" or "on behalf of" entities thereof (within the meaning of the Tax Code), and will not designate more than aggregate \$10,000,000 of such qualified tax-exempt obligations pursuant to such Section 265(b)(3).

7. Financial Statements; Record-Keeping Duties. During the term of the Lease, Rockbridge will provide Lessor with current financial statements, budgets, proof of appropriation for the ensuing fiscal year, and such other financial information relating to the ability of Rockbridge to continue the Lease as may be requested by Lessor.

Rockbridge agrees to maintain and/or retain the records and documents in connection with the Lease, and agrees to cause the Center to maintain and/or retain the records and documents in connection with the Financed Assets, including documentation to evidence the use of proceeds of the Lease, in a manner that shall ensure their complete access to the Internal Revenue Service, until the third anniversary of the later of the final maturity of the Lease or any other applicable provision of the Tax Code or any Treasury Regulations thereunder.

8. Nature of Obligation. It is to be understood that the Lease represents a rental arrangement between Rockbridge and Lessor. Nothing in this Resolution or the Lease or any of the Lease Documents shall constitute a general obligation debt of Rockbridge, and the Board shall not be obligated to make any payments under this Resolution or the Lease except from monies appropriated by the Board for such purposes, from time to time.

9. Effective Date. This Resolution shall be effective upon its adoption.

Adopted this 27<sup>th</sup> day of March, 2017.

#### **Presentation by VDGIF on Jordan's Point Dam**

Director of Community Development Sam Crickenberger introduced Stream Restoration Specialist Louise Finger and Biologist Paul Bugas. He advised that a community meeting on the proposed dam removal was tentatively scheduled for May 15<sup>th</sup>.

Mr. Bugas and Ms. Finger presented a PowerPoint which advised that the dam in its current condition is unsafe both for risk of failure and as a drowning hazard. Reasons for removal were: eliminate a public safety and drowning hazard; restore river function and process; improve boating access and eliminate a mandatory portage; and restore aquatic habitat connectivity and fish passage.

Supervisor Ford asked how citizens could submit questions and when they would be answered.

Ms. Finger responded that there will be a public meeting in May.

Supervisor Ford asked if citizens could submit questions ahead of the public meeting so that they would receive answers at the meeting. He also asked if the County really had any say-so on this, as the City of Lexington owns the dam.

Mr. Suter advised that the City may own the dam; however, County residents will be most impacted in regards to the upstream pooling areas.

Supervisor Lewis asked what citizens were inquiring about this removal.

Ms. Finger replied, there was media exposure about the removal of dams statewide, and that led to citizens wanting to know if this dam should be removed.

Supervisor Lewis asked how boating access could be improved.

Ms. Finger replied that one would no longer need to get out of the water just before the dam and walk down past the dam to put his/her boat back in.

Supervisor Lewis advised that the Historic Lexington Foundation and the Rockbridge Historical Society will likely want to be included in future meetings on this issue.

Supervisor Higgins advised that the Maury Service Authority (MSA) pumps water out upstream from the dam and asked if the water level there would change.

Ms. Finger replied that it shouldn't.

Chairman Hinty asked, why this issue was coming up now, when 10 years had passed since the last Dam Inspection Report deemed the dam dangerous and nothing was done about it.

Ms. Finger replied that she was unsure why nothing was done about it, assuring the Board that she was not involved when the 2009 Dam Inspection Report was done. She stated that decisions on dam removals may have depended on various rating scales back then and advised that people have different points of views; therefore, it probably was just easier to do nothing at all.

#### **Consideration of Outdoor Event Application for Boxerwood Education Association**

Mr. Crickenberger briefly reviewed the Agenda Item: "Boxerwood has applied for their summer 'Music in the Gardens' series per the attached events application. The concerts will be scheduled on the 2<sup>nd</sup> and 4<sup>th</sup> Fridays May through August from 6:30 to 8:00 p.m., with an anticipated

audience of up to 250. Food, beverages and merchandise will be for sale on premise."

Levy Schroeder, Executive Director of the Boxerwood Education Foundation, explained that planned events are very similar to last year's.

Supervisor Higgins moved to approve the Event Application for Boxerwood Education. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

#### **Consideration of Glasgow Stormwater Grant Project**

Mr. Crickenberger moved this item to the next Agenda.

#### **Resolution of Support for Greenhouse Village Phase II**

Mr. Crickenberger briefly reviewed the Agenda Item: "Attached is a Resolution of Support that is required for this grant application. The estimated total project cost for twelve homes is \$2,651,954, with \$476,694 of this being Virginia Community Development Block Grant funds and \$2,175,260 related to home construction. For leverage, Habitat has the purchase of the former Spencer property in the amount of \$163,000; \$90,000 in down payment assistance; \$2,500 for environmental review; and \$4,500 in preliminary engineering. In addition, we have requested assistance from the Southeast Rural Community Assistance Program (SERCAP) in the amount of \$107,160 to cover the cost of water and sewer connection fees which cannot be passed on to the future homeowner. One of the questions in the grant

application asks about the Board's established priorities. Ms. Flint has summarized those below from your mission statement and strategic priorities agreed upon last year. We would appreciate your acknowledging them as priorities to include in the application.

1. Proactively position the County to create and subsequently take full advantage of economic development opportunities.
2. Continued exploration of all opportunities for regional cooperation which are operationally and economically sensible and in the best interest of our citizens.
3. Dedication to ensuring long-term viability of the County.
4. Continued dedication to finding solutions to issues that arise regarding items such as regional waste, housing, Fire and EMS services, infrastructure and education.
5. Continued dedication to maintaining a community that is defined by first class educational programs for youth and adults, enhanced through widespread and quality access to broadband connectivity; where our citizens enjoy a healthy, safe environment, and where rural character, scenic beauty and agricultural roots are respected, protected and balanced with sensible and managed growth to include high technology development and promotion of local agriculture and outdoor recreation as part of the economic base; and where the levels of services provided meet or exceed the expectations of our residents at every level; and where our youth and succeeding generations can grow, play and economically thrive."

Supervisor Ford asked what funds would cover the connection fees that could not be passed through, in the event that SERCAP did not provide

them; Mr. Crickenberger advised that Habitat is prepared to make up that difference if necessary. Supervisor Ford then moved to approve the Resolution shown below. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

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

**AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS HELD  
AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, MARCH 27, 2017**

**Resolution of Support for  
Greenhouse Village Phase II**

**WHEREAS**, the County of Rockbridge wishes to apply to the Virginia Department of Housing and Community Development for Community Improvement Grant funds for the Greenhouse Village Housing Production Project; and,

**WHEREAS**, the estimated total project cost is \$2,651,954, with \$476,694 of this being Virginia Community Development Block Grant funds; \$2,175,260 is the leveraged amount related to home construction and other project costs which are not included in the grant fund request.

**WHEREAS**, it is estimated that twelve families will benefit from the implementation of this project, of which 100% are estimated to be low and moderate income persons; and,

**WHEREAS**, the County of Rockbridge has fulfilled the citizen participation requirements by holding two public hearings, organizing a project management committee and holding public meetings concerning the proposed project within the Greenhouse Village neighborhood.

**NOW, THEREFORE, BE IT RESOLVED:** that the County of Rockbridge, Virginia, hereby endorses and supports this project, and authorizes the County Administrator to sign and submit the required grant documents to the Virginia Department of Housing and Community Development.

Adopted this 27<sup>th</sup> day of March, 2017.

**Solid Waste Discussion**

Director of Solid Waste Jeremy Garrett briefly reviewed the Agenda Item: "On March 13<sup>th</sup> 2015, staff was given direction to proceed with

evaluating potential site concepts in the Kerrs Creek area under a newly issued engineering task order with SCS Engineers. Additionally, staff has been asked to gather more clarification regarding the potential of extending the landfill collection center hours of operation." Mr. Garrett reviewed the following information regarding the proposed Kerrs Creek site:

-have historically been looking at potentially arranging with BARC to utilize some area on their property, but now realize these prospects are limited.

-have since reevaluated the concept in its entirety and have made some headway with BARC and VDOT to perhaps improve the existing site; this would be putting a majority of the facility in the VDOT right-of-way.

Supervisor Campbell asked if BARC was willing to give the County enough land to put the entire site on, if needed.

Mr. Suter replied that such has been BARC's stated intention.

Supervisor Campbell stated his preference for the County's owning its own land at the site - as VDOT could ask that it be removed at any time.

Mr. Suter advised that he could not foresee any problems with VDOT moving the site out.

The Board agreed that Mr. Garrett continue conversations with VDOT and BARC regarding a collection site in the Kerrs Creek Magisterial District.

In regards to changing Landfill operation hours, Mr. Garrett reviewed the following:

-DEQ will not require licensed personnel to be on site if operations are limited to the scales and collection center.

-DEQ would not require a major or minor permit amendment provided the County updated the hours in the operations manual.

-there is no way to close the Landfill on Tuesdays, like the other collection centers.

-Will need additional staff

-Small financial impact if proceeding - totaling around \$40,000

-Lexington City is not supportive; however, the County could be billed by the SWA

-There will be a higher utility bill at the baler building

-A swing gate would be required to prevent access to the working face at the Landfill

Supervisor Campbell noted that the County has been trying to help the City of Lexington with adding the collection center at the Landfill, but now the City says it is not interested.

In response to a question from Mr. Suter, Supervisor Ford suggested that the schedule for removing dumpster sites remain on hold until more progress has been made in securing sites for several collection centers. The rest of the Board agreed.

Mr. Garrett asked for direction on how to proceed.

Chairman Hinty stated, and the Board agreed, that Mr. Garrett will work on finalizing the Kerrs Creek site, as timing is an issue; he and

Supervisor Higgins would look more into finding a site in the Buffalo District; and the proposed Landfill collection center will be placed on hold for now.

**Update on Emergency Communications Center/ Consideration of Contract Amendment**

Mr. Suter briefly reviewed the following information: "As you recall, we have been working diligently on the regional 911 center, to be located in the old Lomax funeral home. The 911 center will be in the west side of the building and the east side can be used in whatever capacity the board desires, since the County owns the building. The plan has been to use it as an Emergency Operations Center (EOC) and/or office space. During the Board's January 23<sup>rd</sup> work session, I provided a progress report on the 911 Center project and noted that I would be coming back with additional updates as new information was available. Additionally, I told the Board that I would be returning with an option to complete the remaining portion of the Building. I think you all have a better feel for the overall project progress, having just visited this afternoon.

"What I would like to do is:

- First, go through the change orders to date on the 911 center.
- Then, I will go through the overall project numbers, showing where savings offset and exceed the total of the change orders. I do want to note that I'll be pointing out a change in what was in your Board report from Thursday. After publishing, I received an invoice from Harris that was higher than we were expecting. What you will see is that right now,

there is a total project savings of \$658,670. Of that amount, the County's portion is about 58% or approximately \$385,276. From that, another \$43,000 is subtracted to finish out the HVAC on the east side of the building, leaving about \$342,418. The cost to complete the renovation for the east side of the building is \$168,485.

-After showing you the numbers, I'll ask that you adopt a resolution approving the change orders already required. Then, if you are so inclined, you could approve the additional expenditure to complete the east side of the building, leaving about \$174,000 in overall project savings to the County.

"There is some potential for some additional costs such as painting the exterior trim that could be taken from savings or future operational maintenance. However, we feel that the largest change orders are behind us." Mr. Suter reviewed the Change Orders and overall costs and savings.

Supervisor Campbell moved to approve the Resolution shown below. Supervisor Higgins provided the second, and the motion carried by unanimous roll call vote by the Board.

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY HELD AT THE  
ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES  
ON MONDAY, MARCH 27, 2017

**Resolution to Approve and Ratify Change Orders, With Corresponding Contract Sum Modification, Under the Construction Agreement With Lionberger Construction for Renovation and Adaptive Reuse Construction of the Regional Emergency Communications Center**

WHEREAS, on September 26, 2016, the Board of Supervisors approved a Resolution to authorize award of the bid and execution of a Construction Agreement with S. Lewis Lionberger Construction Company, d/b/a Lionberger Construction, for the renovation and adaptive reuse construction of the former Lomax building for a Regional Emergency Communications Center; and,

WHEREAS, the project has proceeded on schedule in accordance with the contract documents incorporated into the Construction Agreement dated as of September 19, 2016; and,

WHEREAS, change orders and associated costs have been necessary in the administration of the contract, and the costs have exceeded twenty-five percent (25%) of the Contract Sum of \$758,400.00; and,

WHEREAS, such contract modifications require approval by the governing body for the increase in the Contract Sum.

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

1. That the contract modifications for change orders, in connection with the administration of the Construction Agreement dated as of September 19, 2016, with S. Lewis Lionberger Construction Company, d/b/a Lionberger Construction Company, for the renovations and adaptive reuse construction of the Rockbridge Regional Emergency Communications Center located at 100 Baner Lane in the City of Buena Vista, VA, resulting in an increase in the Contract Sum to \$999,454.00, be and hereby are authorized and approved.

2. That the County Administrator is hereby authorized to execute such documents and take such actions as may be necessary to accomplish the modifications authorized herein, subject to approval as to form by the County Attorney.

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

Adopted this 27<sup>th</sup> day of March, 2017.

Supervisor Campbell moved to approve the Resolution shown below.

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

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY HELD AT THE  
ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES  
ON MONDAY, MARCH 27, 2017

**Resolution to Authorize and Approve Modification of the Construction Agreement With Lionberger Construction for Additional Renovation and Adaptive Reuse Construction of the County's Emergency Operations Center Portion of the Building at 100 Baner Lane in the City of Buena Vista**

WHEREAS, on September 26, 2016, the Board of Supervisors approved a Resolution to authorize award of the bid and execution of a Construction Agreement with S. Lewis Lionberger Construction Company, d/b/a Lionberger Construction, for the renovation and adaptive reuse construction of the former Lomax building for a Regional Emergency Communications Center; and,

WHEREAS, the project has proceeded on schedule in accordance with the contract documents incorporated into the Construction Agreement dated as of September 19, 2016; and,

WHEREAS, change orders and associated costs have been necessary in the administration of the contract, and by Resolution adopted March 27, 2017, the Board has approved and ratified the necessary change orders and associated modification of the Contract Sum to \$999,454.00; and,

WHEREAS, the Board of Supervisors has determined to proceed with additional modifications to the Construction Agreement for further renovation and adaptive reuse construction to the proposed Emergency Operations Center portion of the building, at an additional cost of \$168,485.00.

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

1. That the Modification Agreement dated as of March 31, 2017, with S. Lewis Lionberger Construction Company, d/b/a Lionberger Construction Company, for additional renovations and

adaptive reuse construction of the County's Emergency Operations Center portion of the building located at 100 Baner Lane in the City of Buena Vista, VA, for an additional Contract Sum of \$168,485.00, be and hereby is authorized and approved.

2. That the County Administrator is hereby authorized to execute the Modification Agreement dated March 31, 2017, with Lionberger Construction, and to execute 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 upon form and subject to the conditions approved by the County Attorney.

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

Adopted this 27<sup>th</sup> day of March, 2017.

#### **Appointments**

##### **EDA- John Whitesell resigned- Term Expires 4/10/2017**

Supervisor Lewis nominated Boyd Brown to the EDA in place of John Whitesell. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

##### **EDA- Gene Tilles resigned- Term Expires 4/10/2017**

Supervisor Campbell nominated David Ferris to the EDA in place of Gene Tilles. Supervisor Lewis provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Supervisor Campbell shared that Mr. Whitesell and Mr. Tilles will be missed on the EDA. He asked staff to prepare appropriate items expressing the County's gratitude to these two gentlemen for their hard work and dedication.

**Added Item**

**Budget Public Hearings Discussion**

Mr. Bolster presented the Board with the draft advertisement for the County's Budget Public Hearing. He asked for approval to publish the advertisement.

Chairman Hinty convened the Solid Waste Authority at 8:00 p.m.

Mr. Bolster presented the Solid Waste Authority's draft advertisement for the SWA's Budget. He asked for approval to publish the advertisement.

Supervisor Ford moved to approve the advertisement for the SWA's Budget Public Hearing. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

Chairman Hinty closed the Solid Waste Authority at 8:02 p.m. and reconvened the Board of Supervisors meeting.

Supervisor Higgins moved to approve the advertisement for the County's Budget Public Hearing. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

The scheduled Budget Meeting for Monday, April 3<sup>rd</sup>, was cancelled.

Chairman Hinty handed to the Board evaluations for the County Administrator and County Attorney to be reviewed and completed by the next Board Meeting.

A closed meeting was tentatively added to the next Board Meeting Agenda to review the evaluations.

### **Adjourn**

Supervisor Campbell moved to adjourn at 8:04 p.m. Supervisor Lewis provided the second, and the meeting was adjourned by unanimous roll call vote by the Board.

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