

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, AUGUST 28, 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: SPENCER SUTER  
COUNTY ATTORNEY: VICKIE HUFFMAN

NOTE: The Work Session at 4:30 p.m. was cancelled.

#### Call to Order

Chairman Hinty called the meeting to order at 5:30 p.m. He then invited those present to join in the invocation if they so choose.

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

#### Recognitions/Presentations

Chairman Hinty recognized County Attorney Vickie Huffman's birthday.

#### Citizens' Comments

There were no comments.

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

Supervisor Higgins added a discussion on the Fancy Hill collection center status.

## **Approval of the August 14, 2017 Minutes**

Supervisor Ford moved to approve the minutes. Supervisor Lewis provided second, and the motion carried by the following roll call vote:

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

## **Convene Solid Waste Authority (SWA)**

Chairman Hinty convened the SWA at 5:32 p.m.

## **Joint Resolution to Approve Amended & Restated Members Use Agreement, Amended Financing Agreements, and Support Agreements**

County Attorney Vickie Huffman briefly reviewed the agenda item:

"On June 26, 2017, the Solid Waste Authority (SWA) held a public hearing and adopted a Joint Resolution with the City of Lexington and the County of Rockbridge to authorize joinder of the City of Lexington and create the successor regional Blue Ridge Resource Authority (BRRA). The Joint Resolution included the Amended and Restated Articles of Incorporation, specifying the names, addresses and terms of office for the initial Board of Directors for the BRRA.

"The SWA also approved the Amended and Restated Regional Solid Waste Disposal and Members Use Agreement (the 'Members Use Agreement'), with the understanding that additional revisions would probably be required in connection with obtaining approval from the Virginia Resource Authority (VRA) for the BRRRA and its assumption of the SWA's debt. The Member Use Agreement memorializes the terms agreed between Lexington, Rockbridge, and the SWA for operation of the BRRRA and use of the regional Landfill.

"The attached proposed Joint Resolution provides for approval of the revised Members Use Agreement, attached as Exhibit A to the Resolution. Substantive revisions relate to compliance with Private Business Use limitations associated with tax-exempt debt, clarifications regarding the Rate Stabilization Fund, and incorporation of the Support Agreement in association with the pro-rata share for the Members in the event the BRRRA's revenues are insufficient for payment of the debt. (See highlighted sections for detailed changes.)

"The Joint Resolution also provides for authority to execute an amended Financing Agreement incorporating the terms set forth in the letter of July 27, 2017, from Stephanie L. Hamlett, Executive Director of the VRA, to the County Administrator, a copy of which is attached.

"Finally, the Joint Resolution provides for approval of the Support Agreement, a copy of which is attached to the Resolution as Exhibit B, to establish the respective moral obligation pledges by Rockbridge and Lexington to VRA for payment of the BRRRA's debt service in the event that BRRRA has insufficient funds available. The City of Lexington approved the Joint Resolution on August 17, 2017."

On behalf of the Solid Waste Authority, Supervisor Campbell moved to adopt the proposed resolution. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

**A JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, THE BOARD OF DIRECTORS OF THE SOLID WASTE AUTHORITY OF ROCKBRIDGE COUNTY, AND THE CITY COUNCIL OF THE CITY OF LEXINGTON, VIRGINIA TO APPROVE AGREEMENTS RELATING TO THE BLUE RIDGE RESOURCE AUTHORITY**

**WHEREAS**, Rockbridge County, Virginia (the “County”), acting pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the Code of Virginia, 1950, as amended (the “Act”), duly created the Rockbridge County Solid Waste Authority (“SWA”); and

**WHEREAS**, the SWA is empowered to acquire, purchase, lease, construct, reconstruct, improve, extend, operate, maintain and finance a garbage and refuse collection and disposal system within, without, or partly within and without the County, and to otherwise have, possess and exercise the powers granted by the Act and as otherwise authorized or permitted by law, including the power to pledge for the payment of principal and interest on its revenue bonds the revenues of such system, or any portion thereof, so long as the full faith and credit of the Commonwealth of Virginia, the County, or any other political subdivision of the Commonwealth of Virginia are not pledged to the payment of such bonds; and

**WHEREAS**, the Board of Supervisors of Rockbridge County, Virginia (the “Board”), the Board of Directors of the Solid Waste Authority of Rockbridge County (the “SWA Board”), and the City Council for the City of Lexington, Virginia (the “Council”), have determined concurrently that it is in the best interests of the citizens of Rockbridge County and of the City of Lexington, Virginia (the “City”) that the City join the SWA, and that the parties rename the SWA as the Blue Ridge Resource Authority, pursuant to the Act; and

**WHEREAS**, on June 26, 2017 and on July 6, 2017, the Board, SWA Board, and Council, respectively, approved resolutions to approve the joinder of the City as a member of the SWA (the “Joinder”) and to approve amended and restated Articles of Incorporation to rename the SWA as the “Blue Ridge Resource Authority” (the “Amendment”), all of which requires application to, and approval by, the Virginia State Corporation Commission; and

**WHEREAS**, on June 13, 2012 the SWA issued the \$655,000 Rockbridge County Solid Waste Authority Revenue Bond, Series 2012 (the “2012 Bond”) to Virginia Resources Authority (“VRA”), as purchaser thereof; and

**WHEREAS**, on May 25, 2016 the SWA issued the \$5,710,000 Rockbridge County Solid Waste Authority Revenue Bond (Landfill Expansion Project), Series 2016 (the “2016 Bond” and together with the 2012 Bond, the “Authority Bonds”) to VRA, as purchaser thereof; and

**WHEREAS**, the Authority Bonds are revenue bond obligations of the SWA for the payment of principal and interest on which the revenues and receipts of the SWA's solid waste system (the "System") (collectively, the "Revenues"), are pledged, subject to the SWA's right to apply such Revenues to the payment of operation and maintenance expenses of the System; and

**WHEREAS**, by correspondence from VRA dated July 27, 2017 (the "VRA Letter"), VRA has consented to the Joinder and the Amendment upon certain terms, including requiring the County and City to approve an agreement providing for a nonbinding obligation of the County and City to consider certain appropriations in support of the payment obligations and financial covenants of the SWA under the Authority Bonds (the "Support Agreement"), and to execute and deliver Amendments to the prior Local Bond Sale and Financing Agreements related to the Authority Bonds, respectively (the "Amended Financing Agreements"); and

**WHEREAS**, the County, SWA, and City desire to enter into an Amended and Restated Regional Solid Waste Disposal and Members Use Agreement (the "Members Use Agreement") regarding arrangements pertaining to the Blue Ridge Resource Authority ("BRRRA").

**NOW, THEREFORE, BE IT JOINTLY RESOLVED** by the Board of Supervisors of Rockbridge County, Virginia, the Board of Directors of the Solid Waste Authority of Rockbridge County and the City Council of the City of Lexington, Virginia, as follows:

1. Approval of Members Use Agreement. The Board, SWA Board, and City hereby approve the Members Use Agreement, substantially in the form attached hereto as **Exhibit A**, with the County Administrator, City Manager, and Executive Director of the SWA authorized to determine and approve all final details of the Members Use Agreement.

2. Approval of Amended Financing Agreements and Support Agreement. As required under the VRA Letter for the Joinder and Amendment, the Board, SWA Board, and Council hereby approve the execution and delivery of the Amended Financing Agreements by the SWA, and a Support Agreement by the County and City, to be dated the Effective Date (as defined in the Members Use Agreement) and executed by and among the County, City, SWA, and VRA, in connection with the Authority Bonds. The Chair or Vice Chair of the Board, or the County Administrator, any one or more of whom may act (whether individually or collectively, the "County Representative"), the Chair, Vice Chair, Executive Director, or Secretary of the SWA, any one or more of whom may act (whether individually or collectively, the "SWA Representative"), and the Mayor or Vice Mayor of the City, or the City Manager, any one or more of whom may act (whether individually or collectively, the "City Representative") are each hereby authorized and directed to determine and approve all final details of, and to execute and deliver the Amended Financing Agreements and Support Agreement, with such Support Agreement substantially in the form attached hereto as **Exhibit B**, which form is hereby approved.

To such end, the Board and Council, respectively, hereby covenant and agree to undertake a nonbinding obligation to appropriate such amounts as may be requested from time to time, if any, in order to pay the debt service on the Authority Bonds and other payment obligations of the BRRRA thereunder and under the Amended Financing Agreements in accordance with the provisions thereof. Such respective moral obligation pledges of the County and City in connection with the Authority Bonds are hereby approved and made to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia, provided, however, that such pledge shall not be deemed to be a lending of the credit of the County or City to VRA or to any other person or otherwise deemed to be a pledge of the faith and credit or the taxing power of the County or City, and such pledge shall not bind or obligate the Board or Council, or any future Board or Council, to appropriate funds for such purposes or otherwise in connection with the Authority Bonds or the Amended Financing Agreements.

3. Authorization as to Additional Documentation. The County Representative, the SWA Representative, and City Representative, respectively, and such officers, employees, and agents of the County, SWA, and City, respectively, as any one or more of them may designate, are each authorized and directed to determine and approve all final details of, and execute and deliver, any and all additional instruments, certificates and other documents as may be necessary or convenient in order to carry out the purposes of this Resolution, all as may be advised by counsel.

4. Effective immediately. This resolution shall take effect immediately upon its adoption.

Exhibit A: Members Use Agreement

Exhibit B: Support Agreement

[THIS SPACE LEFT BLANK INTENTIONALLY.]

COUNTY OF ROCKBRIDGE, VIRGINIA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date of Adoption: August 28, 2017

**CERTIFICATE**

The undersigned Clerk of the Board of Supervisors of Rockbridge County, Virginia hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Board at a regular meeting duly held and called on August 28, 2017, at which at least a quorum of the Board was present and acting throughout, and that a record of the roll-call vote is as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>John M. Higgins</b> Buffalo District				
<b>Russell S. Ford</b> Kerrs Creek District				
<b>David W. Hinty, Jr.</b> Natural Bridge District				
<b>Ronnie R. Campbell</b> South River District				
<b>Albert W. Lewis, Jr.</b> Walkers Creek District				

Dated: August 28, 2017

[SEAL]

\_\_\_\_\_  
Clerk  
Board of Supervisors, Rockbridge County, Virginia

**SOLID WASTE AUTHORITY  
OF ROCKBRIDGE COUNTY**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date of Adoption: August 28, 2017

**CERTIFICATE**

The undersigned Secretary of the Board of the Rockbridge County Solid Waste Authority hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Board at a regular meeting duly held and called on August 28, 2017, at which at least a quorum of the Board was present and acting throughout, and that a record of the roll-call vote is as follows:

	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
John M. Higgins				
Russell S. Ford				
David W. Hinty, Jr.				
Ronnie R. Campbell				
Albert W. Lewis, Jr.				

Dated: August 28, 2017

[SEAL]

\_\_\_\_\_  
Secretary  
Rockbridge County Solid Waste Authority

CITY OF LEXINGTON, VIRGINIA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date of Adoption: August 17, 2017

**CERTIFICATE**

The undersigned Acting Clerk of the Council of the City of Lexington, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Council, after the holding of a duly noticed public hearing therefor, at a special meeting duly held and called on August 17, 2017. A record of the roll-call vote by the Council is as follows:

	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Marylin E. Alexander				
Michele F. Hentz				
J. Patrick Rhamey, Jr.				
David G. Sigler				
Charles "Chuck" Smith				
Leslie C. Straughan				

Dated: August 17, 2017

[SEAL]

\_\_\_\_\_  
Clerk, City Council  
City of Lexington, Virginia

Chairman Hinty closed the Solid Waste Authority at 5:36 p.m. and reconvened the Board of Supervisors meeting.

**Joint Resolution to Approve Amended & Restated Members Use Agreement,  
Amended Financing Agreements, and Support Agreements**

Ms. Huffman explained that this is a similar action to what was just voted on, but now undertaken on behalf of the Board of Supervisors.

Supervisor Campbell moved to adopt the proposed resolution.

Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

**A JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, THE BOARD OF DIRECTORS OF THE SOLID WASTE AUTHORITY OF ROCKBRIDGE COUNTY, AND THE CITY COUNCIL OF THE CITY OF LEXINGTON, VIRGINIA TO APPROVE AGREEMENTS RELATING TO THE BLUE RIDGE RESOURCE AUTHORITY**

**WHEREAS**, Rockbridge County, Virginia (the “County”), acting pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the Code of Virginia, 1950, as amended (the “Act”), duly created the Rockbridge County Solid Waste Authority (“SWA”); and

**WHEREAS**, the SWA is empowered to acquire, purchase, lease, construct, reconstruct, improve, extend, operate, maintain and finance a garbage and refuse collection and disposal system within, without, or partly within and without the County, and to otherwise have, possess and exercise the powers granted by the Act and as otherwise authorized or permitted by law, including the power to pledge for the payment of principal and interest on its revenue bonds the revenues of such system, or any portion thereof, so long as the full faith and credit of the Commonwealth of Virginia, the County, or any other political subdivision of the Commonwealth of Virginia are not pledged to the payment of such bonds; and

**WHEREAS**, the Board of Supervisors of Rockbridge County, Virginia (the “Board”), the Board of Directors of the Solid Waste Authority of Rockbridge County (the “SWA Board”), and the City Council for the City of Lexington, Virginia (the “Council”), have determined concurrently that it is in the best interests of the citizens of Rockbridge County and of the City of Lexington, Virginia (the “City”) that the City join the SWA, and that the parties rename the SWA as the Blue Ridge Resource Authority, pursuant to the Act; and

**WHEREAS**, on June 26, 2017 and on July 6, 2017, the Board, SWA Board, and Council, respectively, approved resolutions to approve the joinder of the City as a member of the SWA (the “Joinder”) and to approve amended and restated Articles of Incorporation to rename the SWA as the “Blue Ridge Resource Authority”

(the “Amendment”), all of which requires application to, and approval by, the Virginia State Corporation Commission; and

**WHEREAS**, on June 13, 2012 the SWA issued the \$655,000 Rockbridge County Solid Waste Authority Revenue Bond, Series 2012 (the “2012 Bond”) to Virginia Resources Authority (“VRA”), as purchaser thereof; and

**WHEREAS**, on May 25, 2016 the SWA issued the \$5,710,000 Rockbridge County Solid Waste Authority Revenue Bond (Landfill Expansion Project), Series 2016 (the “2016 Bond” and together with the 2012 Bond, the “Authority Bonds”) to VRA, as purchaser thereof; and

**WHEREAS**, the Authority Bonds are revenue bond obligations of the SWA for the payment of principal and interest on which the revenues and receipts of the SWA’s solid waste system (the “System”) (collectively, the “Revenues”), are pledged, subject to the SWA’s right to apply such Revenues to the payment of operation and maintenance expenses of the System; and

**WHEREAS**, by correspondence from VRA dated July 27, 2017 (the “VRA Letter”), VRA has consented to the Joinder and the Amendment upon certain terms, including requiring the County and City to approve an agreement providing for a nonbinding obligation of the County and City to consider certain appropriations in support of the payment obligations and financial covenants of the SWA under the Authority Bonds (the “Support Agreement”), and to execute and deliver Amendments to the prior Local Bond Sale and Financing Agreements related to the Authority Bonds, respectively (the “Amended Financing Agreements”); and

**WHEREAS**, the County, SWA, and City desire to enter into an Amended and Restated Regional Solid Waste Disposal and Members Use Agreement (the “Members Use Agreement”) regarding arrangements pertaining to the Blue Ridge Resource Authority (“BRRA”).

**NOW, THEREFORE, BE IT JOINTLY RESOLVED** by the Board of Supervisors of Rockbridge County, Virginia, the Board of Directors of the Solid Waste Authority of Rockbridge County and the City Council of the City of Lexington, Virginia, as follows:

2. Approval of Members Use Agreement. The Board, SWA Board, and City hereby approve the Members Use Agreement, substantially in the form attached hereto as **Exhibit A**, with the County Administrator, City Manager, and Executive Director of the SWA authorized to determine and approve all final details of the Members Use Agreement.

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To such end, the Board and Council, respectively, hereby covenant and agree to undertake a nonbinding obligation to appropriate such amounts as may be requested from time to time, if any, in order to

pay the debt service on the Authority Bonds and other payment obligations of the BRRRA thereunder and under the Amended Financing Agreements in accordance with the provisions thereof. Such respective moral obligation pledges of the County and City in connection with the Authority Bonds are hereby approved and made to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia, provided, however, that such pledge shall not be deemed to be a lending of the credit of the County or City to VRA or to any other person or otherwise deemed to be a pledge of the faith and credit or the taxing power of the County or City, and such pledge shall not bind or obligate the Board or Council, or any future Board or Council, to appropriate funds for such purposes or otherwise in connection with the Authority Bonds or the Amended Financing Agreements.

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4. Effective immediately. This resolution shall take effect immediately upon its adoption.

- Exhibit A: Members Use Agreement
- Exhibit B: Support Agreement

[THIS SPACE LEFT BLANK INTENTIONALLY.]

COUNTY OF ROCKBRIDGE, VIRGINIA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date of Adoption: August 28, 2017

**CERTIFICATE**

The undersigned Clerk of the Board of Supervisors of Rockbridge County, Virginia hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Board at a regular meeting duly held and called on August 28, 2017, at which at least a quorum of the Board was present and acting throughout, and that a record of the roll-call vote is as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<b>John M. Higgins</b> Buffalo District				

<b>Russell S. Ford</b> Kerrs Creek District				
<b>David W. Hinty, Jr.</b> Natural Bridge District				
<b>Ronnie R. Campbell</b> South River District				
<b>Albert W. Lewis, Jr.</b> Walkers Creek District				

Dated: August 28, 2017

[SEAL]

\_\_\_\_\_  
 Clerk  
 Board of Supervisors, Rockbridge County, Virginia

**SOLID WASTE AUTHORITY  
 OF ROCKBRIDGE COUNTY**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date of Adoption: August 28, 2017

**CERTIFICATE**

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	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
John M. Higgins				
Russell S. Ford				
David W. Hinty, Jr.				
Ronnie R. Campbell				
Albert W. Lewis, Jr.				

Dated: August 28, 2017

[SEAL]

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Secretary  
Rockbridge County Solid Waste Authority

CITY OF LEXINGTON, VIRGINIA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date of Adoption: August 17, 2017

**CERTIFICATE**

The undersigned Acting Clerk of the Council of the City of Lexington, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Council, after the holding of a duly noticed public hearing therefor, at a special meeting duly held and called on August 17, 2017. A record of the roll-call vote by the Council is as follows:

	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Marylin E. Alexander				
Michele F. Hentz				
J. Patrick Rhamey, Jr.				
David G. Sigler				
Charles "Chuck" Smith				
Leslie C. Straughan				

Dated: August 17, 2017

[SEAL]

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Clerk, City Council  
City of Lexington, Virginia

## **Schedule Public Hearing on BARC Easement at the Rivermont School**

Director of Community Development Sam Crickenberger briefly reviewed the agenda item, noting: "BARC is requesting an easement from the County to run underground service to the Rivermont School. This will allow us to separate the County's lines that serve the ball field lights and the vo-tech building from the main school building. It will also allow for the removal of an existing low hanging line that currently serves the school. The location of this easement will not impact the future use of the County's property."

Supervisor Lewis moved to schedule a Public Hearing on this matter on Monday, September 11<sup>th</sup>. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

## **VDOT Land Use Permit Resolution in the Kerrs Creek Magisterial District**

Solid Waste and Recycling Coordinator Tracy Shafer presented a site plan of the proposed area and reviewed the following information:

"As you are aware, one goal of the Solid Waste Management Strategic Plan is to transition the Kerrs Creek collection site to a staffed collection center. The Board, Solid Waste Committee and Staff have been working with many parties to achieve this goal."

She then showed a drawing of the site, describing the flow of traffic and electrical access.

She explained that one VDOT requirement for issuance of a land use permit is a standard, VDOT-issued Board resolution. She called attention to the resolution in the Board's agenda packet, noting that the document grants assurances to VDOT that the County will abide by VDOT's policies, secured by a surety.

Mr. Suter noted that a surety in the amount of up to \$20,000 may be required.

Supervisor Ford moved to adopt the resolution. Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

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

Supervisor Ford asked Ms. Shafer to explain briefly the steps that have been taken to provide electricity to the site.

Ms. Shafer explained that Dominion would be working with BARC to run the lines underground.

Mr. Suter advised that the County had done its best to arrange for 3-phase power to the site, by petitioning Dominion (in whose service area the site is located) to allow that service through BARC. He pointed out that single phase was harder on the compactor motors, resulting in higher maintenance costs. He stated that this site will receive single phase service, noting that all existing sites utilize single phase.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON  
MONDAY, AUGUST 28, 2017

## LAND USE PERMIT RESOLUTION

**WHEREAS**, it becomes necessary from time to time for the County of Rockbridge to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the *County of Rockbridge* by the Virginia Department of Transportation of said permits for the work aforesaid;

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

**Section 1:** That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the County of Rockbridge does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Rockbridge and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the *County of Rockbridge* all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the County of Rockbridge shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

**BE IT STILL FURTHER RESOLVED** that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

This resolution shall be effective on and from the date of its adoption.

Adopted this 28<sup>th</sup> day of August, 2017.

#### **Consideration of W&L Radio System Agreement**

Mr. Suter briefly reviewed the following information:

“As you may recall, the Rockbridge Regional Public Safety Communications Center’s (RRPSCC) regional radio communications project is nearing completion. Washington and Lee University (W&L) public safety

officials approached the 911 Board this spring with the request that they be allowed to join in the project.

Essentially, W&L would be able to use the system just like the other members of the ECC.

He then highlighted some key points in the agreement:

- W&L is paying all associated upfront costs;
- W&L will share ongoing maintenance costs with the 911 center on the same percentage basis that VMI pays;
- W&L's inclusion will provide extra talk group capacity on the system;
- Perhaps most importantly, this will allow all area public safety groups the ability to talk with one another in mutual aid scenarios.

"The reason the County is listed as a signatory is that technically, the county - as the borrower on behalf of the region - will own the system until it is paid off. W&L has agreed to the language and the 911 Board has already approved it."

Supervisor Lewis moved to authorize the County Administrator to execute the agreement. Supervisor Higgins provided the second, and the motion carried by the following roll call vote:

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

## Consideration of Government Relations Proposal Ranking

Mr. Suter briefly reviewed the following information:

"In the spring, the Board requested that staff research the potential to retain limited services of a federal governmental relations consultant to assist in identifying and securing federal grants. While there are many areas where we could utilize such services, a main goal is to gain assistance in developing infrastructure to support our interstate exchanges. Such infrastructure could include road improvements and utilities, in support of the County's Comprehensive Plan.

"At its regular, June 12 meeting, the Board authorized issuance of an RFP. We received 10 proposals by the closing date in mid-July. Supervisor Lewis, Sam Crickenberger and I reviewed and narrowed the proposals down to two firms. We spent approximately an hour with each firm on telephone interviews and unanimously agreed on a ranking of:

- 1) Capital Government Solutions
- 2) Merchant-McIntyre and Associates

"We were very impressed by both groups and feel that either could do an excellent job for us. However, we felt that Capital Government Solutions (CGS) had a better grasp of the challenges facing - and opportunities available to - Rockbridge County.

"The next step, should the Board approve, would be to negotiate with the top-ranked firm. Should a suitable contract result, we would return to the Board for final consideration. If we cannot reach agreement with CGS, we would halt negotiations and move to the second ranked firm - Merchant-McIntyre and Associates - and follow the same process.

"If in agreement, we'd ask that the Board move to authorize the team to enter into negotiations in the order of the ranking above, and if a suitable contract can be negotiated, return it to the Board for consideration."

Supervisor Lewis noted that consideration of fees was not allowed by the RFP and therefore would be reviewed in negotiations.

Supervisor Higgins moved to authorize the team to enter into negotiations in the order of the ranking and return a contract to the Board for consideration following negotiations. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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

*\*\*Chairman Hinty rearranged items on the Agenda, moving one item forward to discuss before the Public Hearing at 6:00 p.m.\*\**

### **Consideration of Maury Express Contract**

Mr. Suter briefly reviewed the following information:

"As you know, we have been in partnership with the cities, VMI and W&L since 2010 in providing mass public transportation via the Maury Express. Though the contract is with the County, it is generally administered by a working group formed by representatives from each of the served entities.

"Recognizing that it was time to re-compete this service, we issued an RFP in late spring. We received only one proposal: from the incumbent, RADAR. The Board authorized us to enter into negotiations, and we have returned the attached, draft contract for your consideration.

"It has been reviewed and approved by all participating parties, including the Department of Rail and Transportation (DRPT), which administers the federal funding. The agreement is essentially the same as that which we have operated under for the past 7 years. The main changes to note are:

- The term is for 5 years with two 1-year extensions available. This will help streamline the annual review process. The Board will still need to approve the annual budget each September
- We have added free service for faculty and staff of participating universities.

Our request is that you adopt the attached resolution, which approves the agreement and authorizes me to execute the contract."

Following his review, Mr. Suter added that County Attorney Vickie Huffman still needed to make a few minor changes before execution of the contract.

Supervisor Lewis expressed his appreciation of the term being extended to five years and for the Board approving such a service for the community. He moved to adopt the resolution. Supervisor Ford provided the second.

Supervisor Campbell advised that, 6 years ago when running for office, he had citizens who told him the Maury Express needed to be done away with due to low ridership. He then noted that through careful observation over his years on the Board, he has concluded that the service is crucial for those who really need it, and is therefore worth the expenditure. Chairman Hinty and Vice Chairman Higgins agreed with Supervisor Campbell.

Supervisor Ford asked whether Southern Virginia University (SVU) had lately been offered the opportunity to join in the service.

Mr. Suter replied that Buena Vista had been tasked with making contact with SVU in this regard, and that he would follow up on that effort.

The motion on the floor to adopt the resolution was provided by Supervisor Lewis and seconded by Supervisor Ford. The motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON AUGUST 28, 2017

**RESOLUTION AUTHORIZING AND APPROVING AGREEMENT WITH UNIFIED HUMAN SERVICES TRANSPORTATION SYSTEMS, INC., FOR OPERATING SERVICES FOR THE ROCKBRIDGE AREA PUBLIC TRANSIT SYSTEM**

**WHEREAS**, pursuant to Board approval on March 14, 2011, the Unified Human Services Transportation Systems, Inc., d/b/a RADAR, and the County entered into a Contract, as of the 1<sup>st</sup> day of

December, 2010, for operating services for the Rockbridge area public transportation system through September 30, 2011; and,

**WHEREAS**, said Contract has been renewed annually, from year to year, through September 30, 2017; and,

**WHEREAS**, to ensure competitive bidding procedures in compliance with the purpose and intent of the Virginia Public Procurement Act, the County issued a Request for Proposals (RFP) on April 26, 2017; and,

**WHEREAS**, the System submitted a Proposal dated May 26, 2017, in response to the County's RFP; and,

**WHEREAS**, at its meeting on July 24, 2017, the Board of Supervisors authorized negotiation of a contract for public transportation services with the System, the sole proposer; and,

**WHEREAS**, public transportation grant funds have been awarded for the next fiscal year and the participating localities, namely the City of Lexington, the City of Buena Vista, and the County of Rockbridge, the Virginia Military Institute (VMI) and Washington and Lee University (W&L) have budgeted the local match funds for the public transportation services.

NOW, THEREFORE, BE IT **RESOLVED** BY THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, as follows:

1. That the Agreement, dated as of October 1, 2017, between the Unified Human Services Transportation Systems, Inc., and the County of Rockbridge, to operate the Rockbridge area public transportation system and provide related services, at a local cost not to exceed \$50,000 for the October 1, 2017 through September 30, 2018 (federal) fiscal year, and thereafter in accordance with the Cost Allocation Plan as provided therein, for a term of five (5) years with the ability to renew for two additional one-year terms upon agreement of both parties, is hereby authorized and approved.

2. That the County Administrator is hereby authorized to execute the Agreement on behalf of the Board of Supervisors of Rockbridge County and to execute such other documents and take such

further actions 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 28<sup>th</sup> day of August, 2017.

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

**Consideration of Polling Place Change in the Natural Bridge**

**Magisterial District**

Electoral Board Chairman Harry Stone explained that the decision to move the precinct was a result of not being able to bring the Falling Spring Presbyterian Church into compliance with handicapped accessibility (ADA) requirements. He added that the Natural Bridge Fire Department is already being used as a precinct and serves well.

Chairman Hinty agreed that the Falling Spring Presbyterian Church was not very handicapped accessible. He then opened the Public Hearing at 6:02 p.m. With there being no comments, he closed the Public Hearing.

Supervisor Higgins noted that two precincts are shared in Effinger and the arrangement works well.

Supervisor Higgins moved to adopt the proposed resolution. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,  
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON AUGUST 28,  
2017

**ORDINANCE TO AMEND THE ROCKBRIDGE COUNTY CODE, CHAPTER 11, ARTICLE III, SECTIONS  
11-32 AND 11-33 – TO RELOCATE THE POLLING PLACE FOR THE FALLING SPRING PRECINCT  
FROM FALLING SPRING PRESBYTERIAN CHURCH TO THE NATURAL BRIDGE FIRE DEPARTMENT  
IN THE NATURAL BRIDGE MAGISTERIAL DISTRICT**

BE IT ENACTED by the Rockbridge County Board of Supervisors that Sections 11-32 and 11-33 of the  
Rockbridge County Code are hereby amended as follows:

**ROCKBRIDGE COUNTY CODE**

**Chapter 11**

**ELECTIONS\***

\*\*\*\*\*

**ARTICLE III. VOTING PRECINCTS**

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**Sec. 11-32. Names of precincts; polling places.**

The precincts for each magisterial district and the polling place for each precinct shall be as follows:

- (1) **[Same]**
- (2) **[Same]**
- (3) **[Same]**
- (4) *Natural Bridge Magisterial District:*
  - a. *Maury River Precinct.* In this precinct the polling place is the new Glasgow Library.
  - b. *Natural Bridge Station Precinct.* In this precinct the polling place is the Natural Bridge Christian Fellowship Hall.
  - c. *Falling Spring Precinct.* In this precinct the polling place is the Natural Bridge Fire Department.

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\* **Cross reference(s)** -- Administration, Ch. 2.

**State law reference** -- Elections, Code of Virginia, §24.2-100 et seq.

(5) [Same]

(Ord. of 6-13-94; Ord. of 3-11-96; Ord. of 2-24-97; 2(b), 3(b),(c), 4(a),(b), 5(a),(b) Amended by Ord. of 7-23-01; 2(b),(c), 3(a), 4(b) Amended by Ord. of 6-28-04; 3(d) Amended by Ord. of 4-11-05; 1(d), 3(b) Amended by Ord. of 8-22-05; 4(a) Amended by Ord. of 8-14-06; 3(d) Amended by Ord. of 8-10-09; 2(a) Amended by Ord. of 4-27-11; 3(d), 5(a) Amended by Ord. of 7-23-12; 1(a),(c) Amended by Ord. of 3-11-13; 5(c) Amended by Ord. of 8-08-16)

**Sec. 11-33. Precinct boundaries.**

The boundaries of the respective precincts are as follows:

(1) [Same]

(2) [Same]

(3) [Same]

(4) [Same]

(5) [Same]

(6) [Same]

(7) [Same]

(8) [Same]

(9) [Same]

(10) [Same]

(11) [Same]

(12) [Same]

(13) [Same]

(14) *Falling Spring Precinct.* Polling place is the Natural Bridge Fire Department.

Beginning at a point at the intersection on State Route 684 (Sallings Mountain Road) and State Route 608 (Forge Road), thence northeasterly along State Route 608 to Buffalo Creek, thence northwesterly along Buffalo Creek to a point along the median centerline of Interstate 81, thence southwesterly along the median centerline of Interstate 81 to the intersection with State Route 690 (Padgetts Hill Road), thence in a southerly direction along State Route 690 to

the intersection with State Route 686 (Herring Hall Road), thence in a southwesterly direction along State Route 686 to the intersection with State Route 743 (Rices Hill Road), thence along State Route 743 to U.S. Highway 11 (S Lee Highway), thence across U.S. Highway 11 along State Highway 689 (Buck Hill Road), thence southeasterly along State Route 689 to State Route 608 (Forge Road), thence northeasterly along State Route 608 to the point of origin.

(15) **[Same]**

(16) **[Same]**

(17) **[Same]**

(Ord. of 3-11-96; Ord. of 2-24-97; (1)-(16) Amended by Ord. of 7-23-01; (6), (7), (8), (13) Amended by Ord. of 6-28-04; (11) Amended by Ord. of 4-11-05; (4), (9) Amended by Ord. of 8-22-05; (12) Amended by Ord. of 8-14-06; (11) Amended by Ord. of 8-10-09; (4), (5), (10), (13), (17) Amended by Ord. of 4-27-11; (11), (15) Amended by Ord. of 7-23-12; (1), (3) Amended by Ord. of 3-11-13; (17) Amended by Ord. of 8-08-16)

This ordinance shall become effective on the date of its adoption.

Adopted this 28<sup>th</sup> day of August, 2017.

## **Consideration of Rockbridge County Energy Performance Contracting**

### **Financing Proposals**

Finance Director Steven Bolster introduced Schools Superintendent Phillip Thompson, Schools Director of Finance David Daniels, and Davenport Representative R.T. Taylor.

Mr. Taylor provided a presentation which included the following information:

On August 11, 2017, Davenport distributed an RFP to access current market interest rates for viable financing options for the Schools energy savings project. The RFP requested proposals be submitted by 11 a.m. on Friday, August 25<sup>th</sup> based on the following options:

- Option 1- Non-VASAVES: Funds approximately \$5.1M project amount plus costs of issuance

- Option 2- VASAVES: Funds approximately \$5.1M project amount plus Davis-Bacon impact of \$0.5M, costs of issuance, and VASAVES program fees.

Key Considerations were:

- The Direct Loan (Option 1) through US Bank provides sufficient funding that can be closed in the next 30+ days in order to meet the County's projected spending needs. Funds would not be available to the County until on or about November 7<sup>th</sup> under the VPSA financing option.

- Undertaking the Non-VASAVES Direct Bank Loan approach allows the County to: fund lower estimated project costs; lock-in the lowest interest rate available from a bank in the current market, and with flexible prepayment terms; and utilize the lowest all-in financing option.

Supervisor Campbell asked Mr. Taylor if there is a difference in what the County pays upfront as a down payment.

Mr. Taylor replied that, under VASAVES, there are additional program variable costs.

Supervisor Ford advised that the last time the County went out to borrow a large amount of money for the schools from a government source, federal sequestration ended up costing the County more than anticipated. He asked if any of the proposed options for this borrowing are likely to suffer from sequestration.

Mr. Taylor replied that such could occur, adding that the sequestration rate changes annually.

Supervisor Ford asked if there were one option less likely to be hurt by these changes.

Mr. Taylor replied that Option 1 would not be negatively impacted by sequestration. He added that this option also permits prepayment after the first 13 months.

Mr. Taylor ended his presentation by reviewing Davenport's recommendation, which was to move forward with the proposal provided by US Bank under the Non-VASAVES financing option (Option 1), and to close on the financing within the next 30+ days in order to meet the projected spend-down schedule. In doing so, the County would accomplish the following:

- obtain funding for the lowest estimated project costs provided by Trane (i.e. No Davis-Bacon requirement).
- lock in a favorable interest rate.
- maintain the ability to prepay the direct bank loan at favorable terms and conditions

Supervisor Higgins moved to approve the recommendation by Davenport. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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

## **Board Committee Reports**

Supervisor Ford advised that he had attended the August Social Services Board Meeting, at which time further training was provided to the SSB members.

Supervisor Campbell advised that the Chamber of Commerce Economic Development Committee's next meeting would start at the new 911 Center and conclude with a tour of the Landfill.

## **Item Added To the Agenda**

### **Fancy Hill Collection Center Status**

Supervisor Higgins advised that, on February 28<sup>th</sup>, the Board had voted not to pursue plans to develop a staffed collection site on land the County owned in the Fancy Hill area. At that time, the intent was to look for an alternate site. He stated that, now, after six months with no alternative having been found, it is time for it to be revisited. He shared that he would be talking to the organizers of a past event at the Natural Bridge Fire Department regarding the potential for a follow-up meeting - and that the Fire Department will allow for meeting space.

Supervisor Hinty advised that he and Supervisor Higgins had tried to find an alternative location for a collection center but have had no success thus far. He asked that this topic be added to the September 25<sup>th</sup> Agenda.

## Adjourn

On a motion by Supervisor Lewis, seconded by Supervisor Higgins, the meeting was adjourned at 6:34 p.m. by unanimous vote by the Board.

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