

AT A WORK SESSION 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, SEPTEMBER 25, 2017 AT 4:30 P.M.

PRESENT: CHAIRMAN D.W. HINTY, JR, (arrived at 4:41 p.m.)  
VICE CHAIRMAN J.M. HIGGINS,  
R.S. FORD, R.R. CAMPBELL, A.W. LEWIS, JR.

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

Vice Chairman Higgins convened the Work Session at 4:34 p.m.

**Collection Site Designed Discussion**

County Administrator Spencer Suter advised that the goal of this work session is to review progress on the Kerr's Creek and Fancy Hill collection sites. He added that the Kerr's Creek site is moving ahead; since it is in the Tourism Corridor Overlay (TCO), a site plan has been developed for the TCO to consider for approval.

Director of Solid Waste Jeremy Garrett provided a review of the site plan, TCO landscaping plan, and construction plans of the proposed upgraded Kerr's Creek collection site via PowerPoint. He noted that staff is currently working on changes to the site to accommodate the TCO and VDOT's requirements.

Mr. Suter then transitioned to discuss the Fancy Hill collection site, explaining that the Board Solid Waste Committee met after the Board's decision to move ahead with the Fancy Hill site at the last meeting. The committee looked at different options for the proposed site

but ended up recommending the same design as before. He then presented an unsolicited drawing from Lee Merrill: a rough landscaping plan that moved the screening up the hill and closer to the site, to "soften the edges" and better shield view of the site from the neighbors. The plan also suggested planting a variety of screening vegetation in a more natural-looking pattern.

Mr. Garrett further explained that the elevation of the church is about the same as the proposed collection, so moving the vegetation closer to the site would hide it better.

Mr. Suter advised that the idea of possibly re-foresting the back of the site, as a project for an eagle scout or another group.

Supervisor Lewis stated that the Board owed Mr. Merrill gratitude for the effort he put into the drawing. He then asked if the additional foliage would do anything to alleviate the hypothetical danger of plant pathogens escaping the site.

Mr. Garrett addressed the question of pathogens by noting that leachate can be contained; further protection can be gained by installing lids on the containers; and the safest solution would be not to allow deposit of brush.

Mr. Suter for questions and direction from the Board. He noted that, per prior discussions with the neighbors, staff would ask for a meeting with them to further discuss the proposed landscaping plan, should the Board agree.

By consensus, the Board directed staff to move ahead.

Supervisor Lewis asked what the timeline was for the Kerr's Creek collection site. He asked if the next step would be to take it to the TCO.

Mr. Suter replied that it has already been submitted to the TCO for review, and that the plan is to be operating by the end of the calendar year.

Assistant Director of Community Development Chris Slaydon advised that the TCO would meet on Wednesday, October 4<sup>th</sup>.

Mr. Garrett stated, should all go well with the TCO, the next steps include putting permits in place and proceeding with procurement of services for excavating, etc.

Chairman Hinty closed the Work Session at 5:03 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, SEPTEMBER 25, 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 5:33 p.m. He stated that Supervisor Campbell would lead the Board in the invocation and invited anyone in the audience to join if they choose to do so.

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

**Recognitions/Presentations**

Chairman Hinty recognized and commended the Economic Development Department for receiving a Community Development Block Grant in the amount of \$476,693 in support of the Greenhouse Village Production Project Phase II.

County Administrator Spencer Suter advised that this was a result of a tremendous amount of work from the Community Development Department, with special thanks to Sam Crickenberger and Brandy Flint. He added that the grant is for Habitat whose Phase II project is no longer in jeopardy.

He again thanked those who worked so hard on this achievement, as it positively impacts many lives in the community.

Community Development Director Sam Crickenberger thanked the Planning District Commission for helping along the way.

Chairman Hinty recognized Whitney and Ward Huffman's daughter Grace, a high school student who played in a golf tournament in Pebble Beach California, ultimately placing 6<sup>th</sup> in the Country.

**Resolution Honoring Clerk of the Circuit Court Bruce Patterson**

Mr. Suter advised that the resolution would be read and presented to the Honorable Bruce Patterson at his retirement ceremony on Friday, September 29<sup>th</sup>.

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  
ABSTAIN: None  
ABSENT: None

**RESOLUTION EXPRESSING THE APPRECIATION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY TO  
THE HONORABLE DAVID BRUCE PATTERSON,  
ROCKBRIDGE COUNTY CIRCUIT COURT CLERK, ON THE OCCASION  
OF HIS RETIREMENT AFTER THIRTY-NINE YEARS OF SERVICE**

**WHEREAS**, after thirty-nine (39) years of service to Rockbridge County, Virginia, the Honorable David Bruce Patterson is retiring from his position as Rockbridge County Circuit Court Clerk on October 1, 2017; and,

**WHEREAS**, Mr. Patterson grew up in Rockbridge County and started his career in banking after earning a B.S. in Public Administration from Virginia Polytechnic Institute and State University in 1973 and an M.S. in Business Management from Virginia Commonwealth University in 1978; and,

**WHEREAS**, Mr. Patterson was elected and commenced service in 1978 as Clerk of the Circuit Court of Rockbridge County; and,

**WHEREAS**, Mr. Patterson received his certification in 1991 and re-certification in 1999 as a Circuit Court Clerk from the Weldon-Cooper Center; and,

**WHEREAS**, Mr. Patterson has been an active member of the Virginia Court Clerk's Association from 1978 until the present, having served as President from 1991-1992, as Vice-President from 1990-1991, and as Secretary-Treasurer from 1987-1989; and,

**WHEREAS**, Mr. Patterson has been an active and important part of his profession and community as a former member of the Judicial Systems Advisory Committee of the Supreme Court of Virginia; a past president of the American Heart Association-Rockbridge Chapter; past Zone and past District Governor of the Natural Bridge District Ruritan Club; Board Member of the Brownsburg Community Water Association; Director of the Rockbridge Area Housing Association; Director of the Bank of Botetourt; and an Elder in New Providence Presbyterian Church; and,

**WHEREAS**, Mr. Patterson has earned the respect and support of the Board of Supervisors, County staff, and citizens by demonstrating an unwavering commitment to Rockbridge County and the City of Lexington, its people, and communities; and,

**WHEREAS**, Mr. Patterson is highly regarded by leaders in Rockbridge County, the City of Lexington and throughout the Commonwealth of Virginia; and,

**WHEREAS**, Mr. Patterson has served the citizens of Rockbridge County and the City of Lexington with honor and distinction for thirty-nine years, and will retire as Rockbridge County Circuit Court Clerk on October 1, 2017.

**NOW, THEREFORE, BE IT RESOLVED:** That the Board of Supervisors of the County of Rockbridge, Virginia, does hereby express deep appreciation to David Bruce Patterson for his many years of dedicated service to the citizens of Rockbridge County and the City of Lexington, and offers sincere congratulations and best wishes for a happy, healthy and productive retirement; and,

**BE IT FURTHER RESOLVED:** That in honor of Mr. Patterson's many years of dedicated service to the citizens of Rockbridge County and the City of Lexington, the Board of Supervisors does hereby declare that the Record Room of the Circuit Court Clerk's Office shall be henceforth named the "D. Bruce Patterson Record Room."

Adopted this 25<sup>th</sup> day of September, 2017.

**Introduction of new employee at the Fleet Services Department**

Fleet Services Supervisor Steve Kingery introduced John Turpin, new Fleet Services mechanic. Mr. Turpin is a lifetime County resident, a 2001 graduate of Rockbridge County High School, and a graduate of Nashville Auto Diesel. He noted that Mr. Turpin carries many certifications.

Mr. Turpin thanked the Board for the opportunity to work for Rockbridge County.

Supervisor Higgins advised that Mr. Turpin lives in his district and that he has known him for a long time. He stated that Mr. Turpin would be of great service to the County.

**Citizens' Comments**

Chairman Hinty called for citizens comments. There were none.

**Items to be added to the Agenda**

Supervisor Ford asked to give an update on the recent request for the Board to look into peddler's license fees.

## **Approval of the September 11, 2017 Minutes**

Supervisor Ford moved to approve the September 11, 2017 Minutes. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

## **Approval of School Appropriation Resolution**

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

Supervisor Lewis moved to approve the School Appropriation 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  
ABSTAIN: 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, SEPTEMBER 25, 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, 2018** in **FUND 50, SCHOOL FUND** and expended as follows:

**FY 2018 CIP Projects**

**Approved FY 2018 CIP**

4-50-66200-8110-220-001	A&E Study CES.....	\$30,000.00
4-50-66200-8110-270-001	A&E Study NBES.....	\$30,000.00
4-50-68200-8110-350-001	MRMS Chromebook Initiative.....	\$40,000.00
4-50-68200-8110-910-001	RCPS Financial/HR Software.....	<u>\$206,909.00</u>
<b>Subtotal</b>		<b>\$306,909.00</b>

**Carryover Grants**

**IDEA Title VI-B 611 2017**

4-50-61100-1121-901-200-874	Teacher Salaries.....	<u>\$145,532.00</u>
<b>Subtotal</b>		<b>\$145,532.00</b>

**TOTAL FUND 50 APPROPRIATIONS** **\$452,441.00**

**Schedule Public Hearing on former Rockbridge Middle School- BARC easement request for fiber project**

Mr. Crickenberger briefly reviewed the Agenda Item: "BARC is requesting an easement from the County to run an underground fiber line from the RANA cabinet at the corner of the Rivermont property to overhead lines on a pole on our property. See map attached. Concurrently, they are getting an easement from Centra Health to run this line underground along the front of their property near the ROW of Sterrett Road. The location of this easement will not impact the future use of the County's property." He recommended scheduling a Public Hearing on October 10<sup>th</sup>.

Chairman Hinty and the Board agreed to schedule a Public Hearing on October 10<sup>th</sup>.

## **Consideration of Approval for Springridge Lane Reconstruction Project and Resolution**

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item: "Spring Ridge Subdivision (Springridge Lane) is located on the south side of North Lee Highway (Route 11), approximately 450 feet south of the intersection with Jonestown Road (Route 707). On May 22, 2007, the subdivision plat was approved and a letter of credit in the amount of \$75,000 was posted for the road construction. In 2011, the developer of the Spring Ridge Subdivision project went defunct and the remaining lots were foreclosed on and sold at auction. The subdivision road was not completed. The situation remained dormant until recent months. On July 7, 2017, the Office of Community Development issued an Invitation for Bids (IFB) (attached) for site work in the Spring Ridge Subdivision. The existing road will need to be excavated and re-compacted, with ditches realigned to the right-of-way, and the entire road needs to be resurfaced. While we had four contractors attend the July 11<sup>th</sup> pre-bid meeting, Randy Hostetter Excavation LLC's was the only formal bid that was received. The bid to complete this project was \$88,336. On July 27<sup>th</sup>, 2017, the Office of Community Development drew down the letter of credit for the completion of the road work. Staff has worked with landowners and the Home Owners Association (HOA) throughout the project. In addition to available funds from the letter of credit, the HOA was able to secure a loan for the shortfall between the letter of credit and the bid received. In order for the County to guarantee right-of-way to the Commonwealth for acceptance of the road into the state secondary road system, the

landowners were required to complete a deed of dedication for the road and deed of easement for the necessary drainage easements." He then read the recommendation: "If acceptable to the Board following discussion, adopt the attached proposed Resolution to authorize acceptance of the deed of dedication for the road right-of-way and drainage easements, and to approve award of the bid and authorize the Construction Contract with Randy Hostetter Excavation LLC for the road construction."

Supervisor Campbell moved to approve the recommendation. 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  
ABSTAIN: None  
ABSENT: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES, MONDAY, SEPTEMBER 25, 2017

**RESOLUTION AUTHORIZING ACQUISITION AND ACCEPTANCE OF THE DEDICATION OF RIGHT-OF-WAY AND DRAINAGE EASEMENTS FOR SPRING RIDGE LANE AS SHOWN ON THE PLAT OF SPRING RIDGE (PLAT CABINET 4, SLIDE 73) IN THE SOUTH RIVER MAGISTERIAL DISTRICT AND AUTHORIZING AWARD OF BID AND APPROVING THE CONSTRUCTION AGREEMENT WITH RANDY HOSTETTER EXCAVATING, LLC, TO COMPLETE CONSTRUCTION OF SPRING RIDGE ROAD TO STATE SECONDARY ROAD STANDARDS**

**WHEREAS**, the subdivision plat for a subdivision designated as Spring Ridge, recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia, in Plat Cabinet 3, Slide 703, created Spring Ridge Lane; and,

**WHEREAS**, Spring Ridge Lane was realigned and the lots in Spring Ridge were re-subdivided on a Plat recorded in the aforesaid Clerk's Office in Plat Cabinet 4, Slide 73; and,

**WHEREAS**, the developer has not completed the improvements in Spring Ridge Subdivision, particularly construction of Spring Ridge Lane to state secondary road standards for acceptance into the state system; and,

**WHEREAS**, the County has drawn on the letter of credit provided for the development and, with funds contributed by the property owners, has the funds necessary to complete construction of Spring Ridge Lane to state standards; and,

**WHEREAS**, the owners of Lots 1, 2, 5, 6, 7 and the Greenspace Lot have conveyed to The Homeowners Association of Spring Ridge, Inc., the required drainage easements for Spring Ridge Lane as shown on a plat entitled 'Drainage Easement Plat for Spring Ridge HOA Showing a New Drainage Easement on Lots 1, 2, 5, 6, 7 and Greenspace Lot', dated August 22, 2017, prepared by Roderick F. Pierson, L. S.; and,

**WHEREAS**, The Homeowners Association of Spring Ridge, Inc., and all of the owners of lots in Spring Ridge have executed a Deed of Dedication, dated August 24, 2017, to dedicate all of their right, title and interest in Spring Ridge Lane, and convey the required drainage easements, to the Board of Supervisors of Rockbridge County, Virginia; and,

**WHEREAS**, on July 7, 2017, the County issued an Invitation to Bid for construction of Spring Ridge Lane to state secondary road standards; and,

**WHEREAS**, Randy Hostetter Excavation, LLC, was the sole bidder, having submitted a bid of \$88,336.00, and has been confirmed as a responsive and responsible bidder by a review team; and,

**WHEREAS**, the proposed Construction Agreement, incorporating all of the Contract Documents, has been prepared for execution between the County and Randy Hostetter Excavating, LLC, and is presented herewith for approval.

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

1. That the acquisition and acceptance of the dedicated right-of-way for Spring Ridge Lane, extending in the southerly direction from North Lee Highway (U. S. Route 11) as shown on the Plat Showing 22 Lots for Spring Ridge, dated May 21, 2007, and recorded in the Clerk's Office of the Circuit Court of Rockbridge County in Plat Cabinet 4, Slide 73, together with the dedicated drainage easements on Lots 1, 2, 5,

6, 7 and the Greenspace Lot, as shown on the Plat dated August 22, 2017, prepared by Roderick F. Pierson, L. S., be and hereby is authorized and approved.

2. That the Construction Agreement, incorporating all of the Contract Documents, with an effective date of September 26, 2017, with Randy Hostetter Excavating, LLC, at the lump sum Contract Price of \$88,336.00, be and hereby is authorized and approved.

3. That the County Administrator is authorized to execute the Deed of Dedication to accept the dedication of Spring Ridge Lane and the drainage easements, and to execute the Construction Agreement with Randy Hostetter Excavating, LLC, and to execute such other documents and take such further actions on behalf of the Board of Supervisors of Rockbridge County as may be necessary to accomplish the acceptance of Spring Ridge Lane by the Virginia Department of Transportation into the state secondary road system, all of which shall be approved as to form by the County Attorney.

4. That this ordinance shall be effective on and from the date of its adoption.

Adopted this 25<sup>th</sup> day of September, 2017.

### **Consideration of Schools/County Performance Contracting Memorandum of Understanding**

Mr. Suter reviewed the following information: "As you are aware, the County and Schools have worked with Trane Energy for some time on planning capital improvements/upgrades to multiple school facilities. When complete, the upgrades are to produce guaranteed annual energy savings. The two bodies have agreed to use cash for some of the projects, while those associated with the high school and technical education center will require borrowing. At its regular August 14<sup>th</sup> meeting, the Board gave staff several directives relative to the overall energy savings project and efforts to plan for and fund capital improvements at our schools. In addition to cooperative efforts in designing a short-, mid- and long-range

CIP, the Board asked for a memorandum of understanding (MOU) to clarify and memorialize the thought process of today's leaders to ensure that tomorrow's leaders are very clear on the original intent of these two boards. I worked closely with Dr. Thompson on the wording of the agreement which is in your package. The Executive Committee reviewed the agreement and has recommended it to the governing bodies. The School Board unanimously adopted this MOU on September 12<sup>th</sup>. Key components in the non-binding agreement include the short-, mid-, and long-range projects, schedule, and proposed fund sources. Additionally, you will note that the agreement provides for a reduction in school budget requests for utility costs, as savings should occur. This reduction is intended to help offset the debt service required to complete the initial phases of the projects. However, also note that we have clearly stated that lowering budget requests in the utility lines does not necessarily mean a reduction in the overall request, as budget needs in other areas are hard to predict from year to year." Mr. Suter then read aloud the request: "approve the MOU and authorize Chairman Hinty to sign".

As the creation of the MOU was his idea, Supervisor Campbell moved to approve the recommendation. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

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

**Consideration of Consenting Resolution- RCPS Performance Contracting  
Lease-Purchase Financing**

Mr. Bolster presented the following:

\*On June 27<sup>th</sup>, the Board received its first presentation by Trane on the schools energy projects.

\*On August 7<sup>th</sup>, the Executive Committee met to further refine and describe the energy savings projects in preparation of upcoming meetings.

\*On August 11<sup>th</sup>, with Finance Committee concurrence, staff worked with Davenport & Company to issue a request for proposals for financing needs; eleven proposals were received.

\*On August 14<sup>th</sup>, the Board authorized staff to return to the Board on August 28<sup>th</sup> with a ranking of financial proposals.

\*On August 28<sup>th</sup>, Davenport & Company's Associate Vice President RT Taylor gave a presentation and the Board unanimously agreed with the acceptance of the US Bank equipment-lease purchase financing efforts.

\*On September 12<sup>th</sup>, the School Board unanimously approved an authorizing resolution on the lease-purchase financing.

Mr. Bolster then advised that the concurrent resolution was developed by County Bond Counsel Daniel Lauro. He noted that, if approved by the Board, one key action is the Supervisors' concurrence with the School Board's undertaking of the RCHS/Vo-Tech project as provided for by the terms and conditions in the School Board's contractual agreement with

Trane, and with the lease-purchase financing as provided for by the terms and conditions under the lease. Mr. Bolster then reviewed the final numbers on the equipment lease as follows:

\*Bond proceeds: \$5,236,000

\*Tax-exempt rate 2.366%

\*Fifteen year loan

\*Average annual payment of \$426,006

Mr. Bolster advised that the closing on the lease-purchase financing is scheduled for September 28<sup>th</sup>. He then read aloud the following recommendation: "If acceptable to the Board, adopt the concurrent resolution for the School Board lease-purchase financing supporting the RCHS/VoTech performance contracting project."

Supervisor Lewis moved to approve the recommendation. 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  
ABSTAIN: None  
ABSENT: None

September 25, 2017

Board of Supervisors of Rockbridge County, Virginia  
Energy Performance Lease Purchase

**CONCURRENCE RESOLUTION**  
**FOR SCHOOL BOARD LEASE PURCHASE FINANCING**

**WHEREAS**, the Virginia General Assembly declared in Virginia Code Section 11-34.1 that it is the policy of the Commonwealth of Virginia to encourage public bodies to invest in energy conservation measures

and facility technology infrastructure upgrades that reduce energy consumption, produce a cost savings, and improve the quality of indoor air in facilities, and when economically feasible, operate, maintain, or renovate facilities in such a manner so as to minimize energy consumption and reduce operational costs associated with facility technology infrastructure (for convenience, the “Energy Savings Policy”); and

**WHEREAS**, pursuant to such Energy Savings Policy, the School Board of Rockbridge County, Virginia (the “School Board”), in consultation with the Virginia Department of Mines, Minerals and Energy, has entered, or will enter, into an Energy Performance Contract (the “Energy Performance Contract”) with Trane Company (“Trane”), under the auspices of the Virginia Energy Management Program, in order for the School Board to lease purchase finance the acquisition, equipping, and installation of certain energy conservation measures from Trane, including but not limited to lighting upgrades, water upgrades, building envelope upgrades, HVAC upgrades, boiler and pump replacements, and Trane project management, as more fully set forth in the proposed Energy Performance Contract between the School Board and Trane, and payment of issuance costs in connection therewith (the “Project”); and

**WHEREAS**, the School Board has been advised that U.S. Bancorp Government Leasing and Finance, Inc., or its successor and assign (“Lessor”), shall provide tax-exempt lease purchase financing to the School Board pursuant to Lessor’s August 23, 2017 proposal (“Lessor’s Proposal”) in the maximum aggregate principal amount up to **\$6,000,000** pursuant to a Master Tax-Exempt Lease Purchase Agreement, Property Schedule No. 1, together with other documents in connection therewith (collectively, the “Lease”); and

**WHEREAS**, the School Board reasonably expects the Project to continue to be essential to the functions of the School Board for a period of not less than the fifteen (15) year term of the Lease; and

**WHEREAS**, on September 12, 2017 the School Board adopted a Resolution (the “Authorizing Resolution”) authorizing and approving the Project, the Lease, and arrangements thereunder, among other things; and

**WHEREAS**, specifically, the Authorizing Resolution approved an aggregate principal amount up to \$6,000,000 principal lease financing for the Project to be paid over fifteen (15) years with rental payments of principal and interest being made annually during the term of the Tax-Exempt Lease until approximately July 1, 2032, if not sooner paid, and being computed at a fixed rate of interest of 2.366% per annum; and

**WHEREAS**, all amounts payable by the School Board under the Lease are subject to the receipt by the School Board of sufficient appropriations from the Board of Supervisors of Rockbridge County, Virginia (the “Board”), as the taxing authority of Rockbridge County, Virginia (the “County”), upon due request of the Superintendent or other officers of the Rockbridge County Public Schools charged with the responsibility of preparing the School Board’s budget for each fiscal year, and the County is under no legal obligation to make any appropriation with respect thereto; and

**WHEREAS**, the School Board has presented to the County the foregoing Project, Lease, and arrangements thereunder and now desires for the Board to approve this Concurrence Resolution in furtherance of such transactions by the School Board.

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

**1. Essential Governmental Purpose of Project.** The Board finds and determines that the Project and the terms and conditions of the Lease, including the School Board’s payment of rental payments to Lessor in connection with such lease purchase financing arrangements, are in the best interests of the County and the

School Board for the acquisition and lease purchase financing of the Project by the School Board in furtherance of its essential governmental purposes in the County.

**2. Concurrence Approval of Lease and Arrangements thereunder.** Upon due consideration, the Board hereby concurs with and approves the School Board's undertaking of the Project, as provided for by the terms and conditions in the School Board's contractual agreement with Trane, and the lease purchase financing thereof, as provided for by the terms and conditions under the Lease and arrangements thereunder.

**3. Nature of School Board's Payment Obligations.** The School Board has no taxing powers, and accordingly, the Lease shall not constitute a general obligation of the County or the School Board, or a pledge of the full faith and credit of the County or the School Board, or a charge against the general credit of the County or the School Board or a charge against the taxing power of the County. Further, any amounts payable by the School Board under the Lease shall not constitute a debt of the County or the School Board within the meaning of any constitutional or statutory limitation under Virginia law. The School Board shall not be obligated to make any payments under the Lease except from monies appropriated by the School Board for such purposes, from time to time, and subject to such monies being appropriated by the Board to the School Board for such purposes, from time to time. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

It is to be understood that the County shall not be obligated to make any payments under this Concurrence Resolution or the Lease or any arrangements thereunder. However, the Board understands that the School Board will be required to covenant with Lessor to make timely payments pursuant to the Lease and arrangements thereunder for the term thereof regardless of any breach under the Energy Performance Contract. To such end, the Board hereby acknowledges that a failure by the School Board to meet any payment obligations to Lessor pursuant to the Lease (including arrangements thereunder) is likely to have an adverse effect on the ability of the School Board and/or the County to access financing or funding for other undertakings.

**4. Effective Date.** This Concurrence Resolution shall be effective upon its adoption.

Adopted: September 25, 2017

**BOARD OF SUPERVISORS OF  
ROCKBRIDGE COUNTY, VIRGINIA**

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

**CERTIFICATE**

The record of the roll-call vote by the Board of the County, on the foregoing resolution, taken at a duly held regular public meeting of the Board on the date hereof, is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
John M. Higgins Buffalo District				
Russel S. Ford Kerrs Creek District				
David W. Hinty, Jr. Natural Bridge District				
Ronnie R. Campbell South River District				
Albert W. Lewis, Jr. Walkers Creek District				

Date: September 25, 2017

[SEAL]

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Clerk of the Board of Supervisors of  
Rockbridge County, Virginia

**Consideration of Federal Governmental Relations Contract**

Mr. Suter reviewed the following information: "Last spring, the Board requested that staff look into the potential to retain some limited services of a federal governmental relations consultant to assist in identifying and securing federal funding opportunities in support of economic development with a focus on interstate interchanges. With the Board's blessing, we issued an RFP this summer and received 12 proposals. The economic development team reviewed the proposals and interviewed the top two (2) proposers: Capital Government Solutions; and Merchant/McIntyre and Associates. The team brought the ranking to the Board of August 28<sup>th</sup>

and the Board gave authorization to proceed with negotiations in order of ranking. The team subsequently negotiated with Capital Government Solutions President, Nicholas Crockett, and ended up with a fee of \$1500 per month for services. Mr. Suter then noted the following:

\*This is an incredibly low fee on average.

\*Mr. Crockett has pledged not to take on any other Virginia municipal clients as long as we have a relationship.

\*In a relationship like this, there is no guarantee of return on investment. However, when there is a return, it could pay for the service many times over.

\*There is a standing 90-day "out" clause. If at any time the County is dissatisfied with services, we can give a 90 day notice and sever ties.

Mr. Suter asked the other economic development team members, Supervisor Lewis and Mr. Crickenberger, if they had any additional comments.

Mr. Crickenberger concurred with Mr. Suter's review.

Supervisor Lewis shared his full support and excitement for the opportunity.

Mr. Suter then read aloud the following recommendation: "Authorize the County Administrator to execute the contract and direct staff to begin work."

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

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

Chairman Hinty shared his appreciation of the economic development team and their achievement.

### **Appointments**

#### **Shenandoah Valley Workforce Development Board- Private Sector**

Mr. Suter advised that this position needed to be filled. He shared that Mr. Crickenberger has recommended Todd Shail for the position. He stated that Mr. Shail is manager for Mohawk and is an ideal choice.

Mr. Crickenberger advised that Mr. Shail had already attended one of the meetings and feels he will be of great service. He shared his excitement that Mr. Shail was willing to serve in this capacity.

Supervisor Higgins nominated Todd Shail to serve in this position. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

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

## **Items added to the Agenda**

Supervisor Ford provided the following statement: At the Board's last meeting, a gentleman who sells donuts in a mobile unit had concerns about the amount of peddler's tax he had to pay to Rockbridge County. The Board directed staff to come up with an explanation of how the taxes work. He then read a portion of the response letter sent by the County Administrator.

"Briefly, state code provides for a peddler's license fee of up to \$500, which is in lieu of the gross receipts-based BPOL (Business and Professional Occupational License) tax imposed on most stationary businesses. Rockbridge's fee is \$300 and ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for resale, are the only exempted items.

"With regard to collection of taxes in general, a stationary business located in Rockbridge County pays real estate taxes and BPOL fees, as well as personal property taxes on vehicles and business equipment owned or used by the business. Mobile businesses from outside the area pay none of these taxes or fees.

"In his presentation to the Board, the gentleman offered a comparison with Augusta County as an example for consideration. Applicable taxes can be divided into two groups - those set by the Commonwealth and those where the locality is granted discretion as to rate setting. Sales tax is applicable statewide, and the rate is the same for all. In addition,

Augusta and Rockbridge *each* impose a 1% sales tax. The operator of the business collects the tax from the consumer. The taxes are remitted to the state, and the 1% is paid back to the localities by the state.

"The 'meals tax' is the short term for a tax on prepared foods and beverages. The maximum rate permissible for counties is 4%; Rockbridge County charges the maximum, as does Augusta County. The meals tax is levied in addition to sales tax, and is paid by the consumer, collected by the business. Although the tax would not be payable at a stop-and-shop type store on pre-packaged factory sealed foods, the tax is payable on prepared foods and drinks, such as sandwiches, hotdogs and donuts. The stop-and-shop business collects and remits the same tax as the peddler for the same type of product. For meals tax, the business collects the tax 'in trust' for the county. Rockbridge allows the business to retain 3% of the taxes collected in compensation for collecting the tax.

"Finally, please know that localities all have differing sources of revenue, but generally must provide the same core services to their citizens (education, public safety, water/sewer, etc.). The mix of revenues is different across the Commonwealth. Some areas (such as Augusta County) have a much larger industrial/manufacturing tax base, reducing pressure on other areas including real estate and personal property taxes and/fees such as the peddler's tax. Just as all local economies are not the same, neither is the mix of tax base."

**Closed Meeting**

At 6:05 p.m., Supervisor Lewis moved that the Rockbridge County Board of Supervisors convene in a Closed Session as permitted by Virginia Code section 2.2-3711(A)(5), discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. 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  
ABSTAIN: None

Supervisor Ford moved to reconvene in open session following the Closed Meeting. Supervisor Higgins provided the second and the motion carried by unanimous roll call vote by the Board.

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

Supervisor Lewis moved that the Board certify that, in the closed meeting just concluded, to the best of each member's knowledge, nothing was heard, discussed or considered except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed as exempt from open meeting requirements under the provisions of the Virginia Freedom of Information

Act cited in that motion. Supervisor Higgins provided the second, and the motion carried by the following roll call vote:

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

### **Adjourn**

With nothing further to discuss, Chairman Hinty declared the meeting adjourned.