

August 11, 2010

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 11, 2010, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

L. TODD GARBER, Treasurer

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
KATHARINE S. McQUAIN, Director of Recreation
WARREN G. HEIDT, Director of Public Works
STEPHEN N. RIDDLEBARGER, Director of Human Resources
ROBERT A. SYMONS, Fire & Rescue Chief
DIANA C. STULTZ, Zoning Administrator
GRETCHEN M. SALLAH, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Cuevas called the meeting to order at 3:00 p.m.

Chairman Cuevas gave the Invocation and Public Works Director Heidt led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of July 28, 2010.

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PRESENTATION OF RESOLUTION.

Administrator Paxton read a resolution approved June 23, 2010, honoring Brian M. “Bucky” Anderson, an Army specialist from Broadway who was killed while on active duty in Afghanistan.

Mr. Anderson’s parents, Kenny and Margaret, attended the meeting and Chairman Cuevas expressed condolences on behalf of the Board and the citizens of the County. He further expressed his gratitude for the life their son led in the community and the ultimate sacrifice he made for his country. Chairman Cuevas presented them with a County flag, a framed resolution and a letter from Governor Robert F. McDonnell which stated that flags in the Commonwealth had been ordered to be flown at half mast in his honor following his death.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department which included updates on various road projects and routine maintenance. He stated crews have been putting calcium chloride on several roads for dust abatement.

Mr. Komara discussed the School Division’s concern regarding a safe turning distance and the limited options for improving the curve on Ridgedale Road near Grassy Creek, where a number of school children live and which is a frequently-used route to the landfill.

Supervisor Eberly requested that Rawley Pike (Route 33 West) be added to the list for future road improvements and major road projects on Shenandoah Mountain to West Virginia. The Board concurred and agreed to add this project to future plans.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated August 6, 2010.

Administrator Paxton advised that Wallace Hatcher was moving out of the County and therefore is no longer eligible to serve on the Industrial Development Authority. He represents District 1.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated August 5, 2010, which included an update on staff discussions with several telecommunications services. The Board briefly discussed the current service contract and the scope of the services under consideration for the County.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized staff to continue negotiations with all firms offering telecommunications services for the County operations.

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FINANCE DIRECTOR'S STAFF REPORT.

Mr. Allmendinger presented a resolution for consideration by the Board addressing the state-mandated reduction in local aid. Administrator Paxton advised the Board that this resolution is similar to ones adopted the past two years by the Board, with the primary difference that the statewide total amount has increased from \$50 million to \$60 million.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following resolution:

**Resolution to Account for Reduction in Local Aid
Approved by the Commonwealth of Virginia**

WHEREAS, the General Assembly approved action to reduce funding of core local services by \$120 million in response to shrinking revenue growth without identifying

the extent to service delivery by the specific agency or department is to be reduced, thereby shifting the financial burden to local governments; and

WHEREAS, Governor McDonnell signed into law the 2011-2012 biennium inclusive of this \$120 million appropriation reduction for local governments; and

WHEREAS, as this is the second biennium in which the Commonwealth has required such payments by local government, there is a concern that the \$120 million reduction will continue to be carried forward into future biennium, forcing city and county governments to make the difficult decisions over which state mandated programs are cut or taxes raised to meet the demand;

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of Rockingham does hereby support accounting for the reduction in funds (the reduced amount) from intergovernmental revenue as an adjustment to revenue from the Commonwealth under **Local Aid to the Commonwealth**; and

BE IT FURTHER RESOLVED THAT, the County of Rockingham (sic code 165) elects to reimburse the Commonwealth on the date provided and in the duly authorized manner as proscribed; and

BE IT FURTHER RESOLVED THAT, this accounting shall be shared with the delegation, the Governor and local news media so that citizens understand the decisions made by this governing body are in response to actions by the Commonwealth.

Mr. Allmendinger presented a request for the Board also to declare surplus several vehicles owned by the County.

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board declared the following items surplus and authorized the disposal using the public surplus website or at the school auction in September:

SURPLUS VEHICLE LIST:

Veh #1025	2000	Chevrolet Blazer	VIN# 1GNDDT13W3Y2237720	Needs transmission
Veh #3090	1996	Ford Explorer	VIN# 1FMDU35P9TUD29642	CWA Seizure vehicle
Veh #3034	1991	Ford E350 Bus	VIN# 1FDKE30G1MHA45590	Needs transmission
Veh #9410	1994	Chevrolet Van	VIN# 1GNEG25H1RF170851	Needs transmission
Veh #3007	1996	BMW 328IS	VIN# WBABG2326TET31005	CWA Seizure vehicle
Veh #1063	1996	Jeep Cherokee	VIN# 1J4FJ28S7TL142528	Needs transmission

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Riddlebarger's staff report dated August 11, 2010, which included an update on the employee wellness program. The annual service award presentation will take place on August 25 at 3 p.m.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated August 11, 2010.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated August 11, 2010.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table SUP-127, Thomas Edward Barton, 6702 East Point Road, Elkton, for an automobile graveyard for vehicles to be refurbished and parts (not open to the public) and garage to restore antique vehicles (like use to public garage, but not open to the public) on property located on the east side of East Point Road (Route 602) approximately 1/2 mile north of River Road (Route 635); District #5; Zoned A-2; Tax Map #99-(A)-91.

Supervisor Breeden wanted to ensure that the automobile graveyard not exceed the current 90' x 93' area, as requested on the special-use permit application, and that the area be completely enclosed by an eight-foot tall privacy fence.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP-127, Thomas Edward Barton, 6702 East Point Road, Elkton, for an automobile graveyard for vehicles to be refurbished and parts (not open to the public) and garage to restore antique vehicles (like use to public garage, but not open to the public) on property located on the east side of East Point Road (Route 602) approximately 1/2 mile north of River Road (Route 635); District #5; Zoned A-2; Tax Map #99-(A)-91:

CONDITIONS:

1. Use shall be located in substantial accordance with plot plan as approved.
2. A change of use building permit shall be required to convert the building from a private garage to a commercial garage.
3. As required by VDOT, a commercial entrance permit shall be obtained and submitted to the Community Development Department prior to issuance of the change of use permit.
4. Should VDOT determine that a commercial entrance is not required as this use is not open to the public, upon receipt of a letter from VDOT stating same, Condition #3 of this permit shall be waived.
5. The applicant and other persons living on the property shall be the only employees.
6. Neither the garage nor the automobile graveyard shall be open to the public.
7. No parts shall be sold from the vehicles in the automobile graveyard.
8. All work shall be done inside the garage.
9. There shall be no storage of parts outside the garage.
10. As this use is not open to the public, there shall be no advertising sign on the property.
11. This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
12. The automobile graveyard shall be completely fenced from view of all adjoining properties and from the road by a fence not less than 8 feet tall and made of a material approved by the County. All junked and inoperable vehicles shall be kept within the fenced area.
13. The automobile graveyard shall not exceed a 90' x 93' area as requested on the special use permit application.
14. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE;

EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table SUP-076, Ronald & Eugenia Nelson, 2219 Saddle Trail, McGaheysville for a residence involving a non-family division on property located on the northwest side of Model Road (Route 640) approximately 1.2 miles east of Spotswood Trail (Route 33); Election District #5; Zoned A-1; Tax Map #129-(A)-111.

Supervisor Breeden stated this request was for a small A1-zoned parcel that was not big enough to support itself with the proceeds from farmland, but he recognized the long-held desire not to break up farmland parcels. He moved for approval. Supervisor Floyd seconded the motion.

In response to Supervisor Eberly's question on the size of the parcel, Ms. Stultz responded it was a 44 ½ acre parcel. Chairman Cuevas stated that this was not the first time the request has been made to divide property in an agricultural zone that would leave a small parcel that is not very useful for farming. He suggested the matter be handled in the rewriting of the ordinances governing zoning in the County Code. He directed staff to write a policy that would guide the Board in making these decisions consistently.

By a vote of 2 in favor and 3 opposed, voting recorded as follows: BREEDEN - AYE; FLOYD - AYE; CUEVAS - NAY; EBERLY – NAY; KYGER - NAY; the Board defeated the motion to approve SUP-076, Ronald & Eugenia Nelson, 2219 Saddle Trail, McGaheysville for a residence involving a non-family division on property located on the northwest side of Model Road (Route 640) approximately 1.2 miles east of Spotswood Trail (Route 33); Election District #5; Zoned A-1; Tax Map #129-(A)-111. The motion to approve was made by Supervisor Breeden and seconded by Supervisor Floyd.

On motion by Supervisor Eberly, seconded by Supervisor Kyger and carried by a vote of 4 to 1, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; FLOYD - NAY; the Board approved the motion to deny SUP-076, Ronald & Eugenia Nelson, 2219 Saddle Trail, McGaheysville for a residence involving a non-family division on property located on the northwest side of Model Road (Route 640) approximately 1.2 miles east of Spotswood Trail (Route 33); Election District #5; Zoned A-1; Tax Map #129-(A)-111.

Supervisor Floyd asked for an update on SUP-116, Barry Hensley's request for a public garage that was tabled at the July 14, 2010 meeting. Ms. Stultz reported that a fence had been erected, but that trash needed to be removed.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O’Byrne’s staff report dated August 5, 2010.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Symons’ staff report.

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RECREATION AND FACILITIES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. McQuain’s staff report dated August 5, 2010.

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TREASURER’S ANNUAL REPORT.

L. Todd Garber, Treasurer, presented the Board with a fiscal report of the County’s tax collections for the fiscal year ending June 30, 2010, along with a summary of collections on delinquent taxes.

In the first half of 2010, the County has collected 94.58% of the \$20,597,085 assessed in real estate. In 2009, County taxes collected were as follows:

	ASSESSED	% COLLECTED
Real Estate (1 st half)	\$20,033,280	98.47%
Real Estate (2 nd half)	\$20,480,969	98.10%
Personal Property	\$15,345,815	97.54%
Public Service Pers. Prop	\$ 23,521	100.00%
Machinery & Tools	\$12,835,901	99.77%
Merchants Capital	\$ 1,089,345	98.31%
Mobile Homes	\$ 199,690	88.65%
Agriculture Equipment	\$ 350,624	98.89%
Late Filing Fees	\$ 28,003	72.48%
Recreational Vehicles	\$ 130,943	95.94%

Mr. Garber reported a higher rate of collection for personal property taxes this year than real estate taxes. He noted that historically this was not the case as personal property taxes are more difficult to collect. He reported that overall collections have been steady for the last few years, in spite of the recession and economic downturn.

In response to a question from Supervisor Kyger, Mr. Garber explained that approximately 20% of the homes in the County have mortgages; with many of the family farms clear of liens for mortgages.

In response to a question from Supervisor Eberly, Mr. Garber reported it is difficult to compare collection figures with other localities because they are hesitant to share their numbers. He also noted that the Treasurer's Association is working on legislation that allows each locality to handle its own collections, instead of paying a collection agency to do the work. This change will eliminate the fee for the collection agency and allow the Treasurer's office to recover some of its operational costs. His office issued more than 800 civil warrants and the delinquent tax list will be printed in the newspaper in September.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board accepted the Treasurer's annual report of collections and uncollectible and delinquent taxes, in accordance with §58.1-3931 et seq. of the Code of Virginia.

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RESOLUTION – ROCKINGHAM MEMORIAL HOSPITAL – INDUSTRIAL DEVELOPMENT BONDS.

Glenn Hodge, an attorney representing Rockingham Memorial Hospital, requested on behalf of the hospital that the Board consent to the issuance of \$75,000,000 in Industrial Development Authority (IDA) Bonds by the Harrisonburg IDA.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board consented to the issuance of \$75,000,000 in Industrial Development Authority Bonds by the Harrisonburg IDA for Rockingham Memorial Hospital through the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF ROCKINGHAM COUNTY, VIRGINIA**

WHEREAS, Rockingham Memorial Hospital, a not-for-profit Virginia nonstock corporation (“RMH”), owns and operates hospital facilities in Rockingham County, Virginia;

WHEREAS, Rockingham Health Care, Inc., a not-for-profit Virginia nonstock corporation (“RHC” and together with RMH, the “Corporations”) is the corporate parent of RMH;

WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia (the “Authority”), has previously issued its revenue bonds for the benefit of the Corporations to finance the costs of acquiring, constructing and equipping a replacement hospital facility for the Corporations containing approximately 234 beds located on 254 acres along Port Republic Road, between Reservoir Street and Boyers Road, in Rockingham County and related equipment and capital improvements (collectively, the “New Hospital”);

WHEREAS, the Corporations have requested that the Authority issue additional revenue bonds (the “Bonds”), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), in one or more series, in an amount not to exceed \$75,000,000;

WHEREAS, the proceeds of the Bonds will be used to finance or refinance (1) costs to complete the New Hospital and related projects, (2) costs of routine capital expenditures, (3) all or a portion of the costs of issuance of the Bonds, (4) the cost of credit enhancement, if any, for the Bonds, (5) interest on the Bonds for the period of acquisition and construction of the projects financed with the proceeds of the Bonds and for up to one year thereafter, and (6) a debt service reserve fund for the Bonds (collectively, the “Project”);

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) and Section 15.2-4905 of the Act require that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such Bonds;

WHEREAS, Section 147(f) of the Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice, which hearing may be held by the public authority issuing the Bonds;

WHEREAS, on August 5, 2010, in accordance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Act, the Authority held a public hearing and adopted a resolution approving the issuance of the Bonds (the “Authority Resolution”);

WHEREAS, the Corporations have requested the Board of Supervisors of Rockingham County, Virginia (the “Board”), to approve the issuance of the Bonds to comply with Section 147(f) of the Code and to concur in the Authority Resolution to comply with Section 15.2-4905 of the Act; and

WHEREAS, a copy of the Authority Resolution, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

1. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of the Corporations, as required by Section 147(f) of the Code and concurs with the Authority Resolution to the extent required by Section 15.2-4905 of the Act.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporations. Rockingham County, Virginia, does not have any obligation to pay the Bonds or the interest thereon or other costs incident thereto.

3. All acts and doings of the officers and members of the Board that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

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

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COMMITTEE REPORTS.

BUILDING AND GROUNDS

Administrator Paxton discussed the need to fix the heating, ventilating and air conditioning system in the Commissioner of the Revenue’s office. Staff solicited the following bids from three local firms:

Supplier	Bid Offering
Blauch Brothers	\$13,215.00
Riddlebarger	\$19,096.00
Colonial Webb	No bid

Staff recommended Blauch Brothers as the most cost effective and viable option.

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board authorized contracting with Blauch Brothers for the upgrade of the Commissioner of the Revenue’s office area controls system at a fixed cost not to exceed \$13,215.00 and authorized a supplemental appropriation to 001-4309-3301, with funding to come from the General Fund reserve.

FINANCE

On motion by Supervisor Breedon, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following General Fund supplemental appropriation:

Social Services District

A supplemental appropriation of \$3,000 for the Head Start program. This is 100% funded by the federal government and local funds are not required.

Supplemental Appropriation: \$3,000

\$3,000	GL Code: 220-05302-100-5739-000	Head Start
\$3,000	GL Code: 220-03303-0100	Public Assistance-Federal Revenue

On motion by Supervisor Breedon, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following FY2009-2010 Carryover Funds to FY2010-2011:

Information Systems

A carryover of unencumbered FY2009-2010 funds of \$14,000. The wireless network access project was originally allocated for \$15,000 with only \$1,000 being expensed in the previous fiscal year. The carryover would provide the funding to continue the project.

Carryover Appropriation: \$14,000

\$14,000	GL Code: 101-09401-000-8007-000	Computer Equipment
\$14,000	GL Code: 101-05201-0100	Capital Projects

On motion by Supervisor Breedon, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following FY2009-2010 Carryover Funds to FY2010-2011:

Community Development

A carryover of unencumbered FY 2009-2010 funds totaling \$12,888 for the North Valley Pike Corridor project.

Carryover Appropriation: \$12,888

\$12,888 GL Code: 101-09401-000-8399-000 Miscellaneous Projects
 \$12,888 GL Code: 101-05201-0100 Capital Projects

Economic Development

A sole source proposal of \$70,000, plus out of pocket costs for travel, has been received from Buxton, Inc. for retail market analysis and purchase of the CommunityID system. CommunityID is a sole source, proprietary automated system to assist localities in recruitment and development of firms in the retail sector. Funding is budgeted under Economic Development.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board concurred in the sole source procurement and authorized the award of the contract to Buxton, Inc.:

\$70,000 GL Code: 001-08102-000-3109-000

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following supplemental appropriation:

Central Shenandoah Planning District Commission (CSPDC)

A supplemental appropriation of \$5,509 for the County’s portion of the costs to update the current regional All Hazards Mitigation Plan by the Central Shenandoah Planning District Commission. Local funding will be provided by the County’s contingency account.

Supplemental Appropriation: \$5,509

\$5,509 GL Code: 001-03201-000-3100-000 Professional Services
 (\$5,509) GL Code: 001-09110-000-5800-000 Contingency

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION

Supervisor Kyger stated that citizens in the Belmont and Monte Vista areas would like to see the addition of more bike and pedestrian paths to the City limits. Administrator Paxton stated that new state standards for new subdivisions and developments require bicycle and pedestrian lanes in their plans.

PUBLIC WORKS

Mr. Heidt discussed the need for a new wheel loader at the landfill, the cost of which would be shared between the City and County. The bid summary is as follows:

Supplier	Quoted Unit	Quoted Pricing
James River Equipment	John Deere 624K	\$179,800
Rish Equipment	Komatsu WA320PZ-6	\$181,993
Carter Machinery	Caterpillar 930H	\$183,742
Budget Estimate		\$190,000

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the purchase of a wheel loader from James River Equipment at a County cost of \$112,195.

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board declared the 1993 Case 621B surplus to allow for its sale.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board recessed the meeting from 4:25 p.m. to 5:02 p.m., for a closed meeting pursuant to Section 2.2-3711.A(5), Discussion concerning a prospective business or industry or the expansion of an existing 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; (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect

the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR EBERLY
SECOND: SUPERVISOR KYGER

RESOLUTION NO: 10-10
MEETING DATE: AUGUST 11, 2010

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:
AYES: BREEDEN, CUEVAS, EBERLY, FLOYD, KYGER
NAYS: NONE
ABSENT:

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RECESS.

At 5:02 p.m., Chairman Cuevas declared the meeting recessed for dinner.

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CALL TO ORDER.

Chairman Cuevas reconvened the regular meeting at 5:58 p.m. He announced that Supervisor Eberly left during the dinner recess upon learning of a death in his family.

Supervisor Kyger requested that the County Administrator and staff develop a policy addressing the method of calculating solid waste disposal costs resulting from catastrophic events.

Supervisor Breeden noted that he would abstain from any discussion and vote on this matter since his firm was recently involved in a case that falls under consideration of this policy.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 3 to 0 to 1, voting recorded as follows: CUEVAS - AYE; EBERLY – ABSENT; FLOYD - AYE; KYGER - AYE; BREEDEN – ABSTAIN; the Board directed staff to develop a policy for considering financial hardship related to waste disposal costs associated with bringing materials for disposal to the landfill following a catastrophic event.

County Attorney Miller noted that the Board’s action for staff was to prepare a policy for the Board’s consideration and did not specifically address the outstanding landfill issue.

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RESOLUTION – BRIDGEWATER 175TH ANNIVERSARY.

Supervisor Kyger read a resolution for the 175th anniversary of Bridgewater.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – ABSENT; FLOYD - AYE; KYGER - AYE; the Board approved the following resolution:

**RESOLUTION
HONORING THE 175th ANNIVERSARY OF THE
TOWN OF BRIDGEWATER, VIRGINIA**

WHEREAS, the Town of Bridgewater celebrates its 175th anniversary this year; and

WHEREAS, the earliest records indicate that the first settler William Magill, Sr., who was of Scotch-Irish descent arrived in the area in the 1740’s and the area became known as Magill’s Ford; and

WHEREAS, Daniel Dinkle purchased land in the area, and his sons, John and Jacob Dinkle, built numerous mills, a tavern and the first bridge across the North River; and

WHEREAS, the settlement later became known as Bridgeport for its bustling river port which transported pig iron, hemp, farm produce, beeswax, feathers, and other items that were sent down the river to Harpers Ferry on flatboats; and

WHEREAS, the area continued to grow as a major trade and transportation route when construction began in 1830 on the Warm Springs-Harrisonburg Turnpike, the precursor to Route 42; and years later the Chesapeake and Western Railroad passed through Town; and

WHEREAS, on February 7, 1835, the twenty-acre settlement was chartered as the Town of Bridgewater so named for its proximity to the North River and the bridge that was built in 1820; the charter directed that Main Street be 55-feet wide, the land be subdivided, and the government of the Town be vested in a five-member board of trustees; and

WHEREAS, the area's rich history includes the site of numerous altercations between the North and South during the Civil War; and

WHEREAS, the Town is currently home to Bridgewater College, chartered in 1880, the Bridgewater Retirement Community, which includes the Bridgewater Home and numerous businesses, residences, offices and retail shops; and

WHEREAS, during the Town's history, numerous annexations occurred resulting in the Town going from twenty acres to nearly 2.5 square miles, currently making it the largest town in Rockingham County and home to four of the County's top five employers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockingham County that it does hereby recognize and congratulate the Town of Bridgewater, its Town Council and citizens as they celebrate the Town's 175th anniversary.

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OTHER BUSINESS.

Administrator Paxton discussed with the Board the options for marketing the Albert Long Park property for sale.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - ABSENT; FLOYD - AYE; KYGER - AYE; the Board authorized the County Administrator to enter into a 12-month contract with Old Dominion Realty with a five percent commission on the sale price.

Supervisor Breeden discussed with the Board the citizen-led effort to incorporate Massanutten as a Town.

Administrator Paxton read the following statement:

Statement of the Rockingham County Board of Supervisors regarding the Feasibility Study on Town Incorporation of Massanutten prepared by PRESERVE

Rockingham County was advised by email of the completion of a feasibility study prepared by a volunteer group of private citizens. The study is very involved and covers a number of complex issues. The Board understands the State requirements for establishing a town to be quite challenging to meet. After this initial review, the Board is concerned about the impact that incorporation will have on all property owners in the proposed boundary. It is a key responsibility of the Board to protect the interests of all property owners. Further, the Board is concerned about the financial impact, including taxes and other ordinance and regulatory changes that incorporation will have on those in the proposed area and subsequently all taxpayers in the County.

By consensus, the statement above is the official response of the Board of Supervisors. Further questions can be directed to the County Administrator and County Attorney.

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PUBLIC HEARING – SPECIAL-USE PERMIT REQUEST.

At 6:07 p.m., Chairman Cuevas opened the public hearing and Ms. Stultz reviewed the following special-use permit applications:

SUP-121, Shenandoah Mobile Company, PO Box 459, Edinburg for a 150' unipole stealth telecommunication facility on property located on the northeast side of Smithland Road (Route 720) approximately 3/4 mile north of Keezletown Road (Route 925); Election District #3; Zoned A-1; Tax Map #110-(4)-1.

According to Ms. Stultz's report, Olin Van Pelt, Jr. owns the subject property and property to the north, south and east. She received notice that the property was going to be foreclosed and the lender requested the public hearing be cancelled or

postponed 90 days. If the property goes into foreclosure, the applicant would have to get written permission from the new owner to proceed with the special-use permit application.

The applicant is an affiliate of Sprint PCS and will install CDMA antennas for the company on the tower. The property line setbacks and fall zone requirements meet the County Code. They are seeking a waiver for the landscaping requirement as the site is located in a heavily-wooded area. The applicant wanted to go forward with the public hearing and requested the Board table the matter for 90 days.

In her report, Ms. Stultz stated the entrance to the site is located on a section of Smithland Road in the City of Harrisonburg, so VDOT does not have permitting authority. The City reported the existing entrance is sufficient; however, if there are additional uses accessing Smithland Road from this entrance, the City would like to determine if upgrades are needed. If the applicant wants to make changes to the entrance, they will need to obtain a Public Access Permit from the City.

In response to a question from Supervisor Kyger, Ms. Stultz stated the special-use permit, if approved, would attach to the land and to the new owner, who would have to adhere to the special-use permit conditions.

Paula Figgatt, of Shentel, thanked Ms. Stultz and Mr. Vaughn for their help with the application and introduced others who were in attendance on behalf of the company. She stated the tower was necessary to accommodate growth and service in this area and the stealth model was chosen to lessen the visual impact. The company held a community meeting and she reported that six people attended, one was concerned about health and five were concerned what the tower would look like. In addition, they conducted a balloon test to show the height of the tower.

Anthony Peralta, of Shentel, also stated the purpose of the tower was to provide additional coverage in the area.

Len Greisz, site acquisition manager for Shentel, said this was the first time their firm has worked on a site that was subject to foreclosure and he requested the Board table the issue for 90 days to allow the foreclosure process to be completed.

Benjamin Ray Griffith, an adjoining property owner, opposed having a tower near his home. He stated that the tower served a purpose, but he did not want to have to look at it from his property. He said four other families who live on Derrer Lane were also opposed to it. He was also concerned the tower would interfere with future activities at the new schools on Smithland Road.

Mildred Derrer, who lives on Derrer Lane, submitted a letter to Ms. Stultz voicing her opposition to the tower location. She opposed the proximity to her property, the effect it would have on future land use, the safety of building a tower in a

wooded area in the event of a summer electrical storm, and the visual impact it would have for her and her family.

George Condyles, consultant for the County, concurred that the site will give Shentel additional coverage and addressed Mr. Griffith's concerns by reporting that the frequency used on the towers is low and would not interfere with any audio-visual equipment that would be used at the schools or with public safety communications equipment. He recommended approval.

SUP-140, Petr Mazur, 11995 Wampler Road, Broadway for a third residence (for daughter who works on the farm) on property located on the west side of Wampler Road (Route 619) approximately 1/2 mile south of Hillyard Drive (Route 798); Election District #1; Zoned A-1; Tax Map #52-(A)-201A.

Ms. Stultz reported the applicant requested adding a third residence on the property for a daughter working on the farm. The applicant and his wife live in one residence and a son lives in the other. This request would not involve a division of land. The property was purchased in 2002 and contains a poultry operation. VDOT recommended that a large tree on the fence line north of the entrance be removed to improve the sight distance, but it was unclear if the tree was on the Mazur's property.

Mrs. Mazur was present.

No opposition was expressed.

At 6:37, Chairman Cuevas closed the public hearing and reconvened the regular meeting.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - ABSENT; FLOYD - AYE; KYGER - AYE; the Board tabled SUP-121, Shenandoah Mobile Company, PO Box 459, Edinburg for a 150' unipole stealth telecommunication facility on property located on the northeast side of Smithland Road (Route 720) approximately 3/4 mile north of Keezletown Road (Route 925); Election District #3; Zoned A-1; Tax Map #110-(4)-1 until the meeting on November 17, 2010.

On behalf of Chairman Cuevas, on motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – ABSENT; FLOYD - AYE; KYGER - AYE; the Board approved, subject to the following conditions, SUP-140, Petr Mazur, 11995 Wampler Road, Broadway for a third residence (for daughter who works on the farm) on property located on the west side of Wampler Road (Route 619) approximately 1/2 mile south of Hillyard Drive (Route 798); Election District #1; Zoned A-1; Tax Map #52-(A)-201A.

CONDITIONS:

1. Use shall be located in substantial accordance with plot plan as approved.
2. Residence shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon the Health Department approval of an on-site sewage disposal system and approval of a water system.
4. As required by VDOT, the entrance shall be upgraded to a private subdivision standard due to the number of residences on the right-of-way. The existing entrance shall be paved 25' back from the edge of pavement.
5. An entrance permit shall be obtained from VDOT for this work and shall be submitted to the Community Development Department prior to issuance of a building permit.
6. If the large tree to the north of the entrance is on property owned by the applicants, the tree shall be removed to improve sight distance as recommended by VDOT. If the tree is on property not owned by the applicants, every attempt shall be made to obtain approval to remove the tree. Verification of the attempt to obtain permission shall be submitted to the Zoning Administrator in form of a letter from the owner of the property on which the tree is located.
7. Residence shall not be used for rental purposes.
8. The residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 6:38 p.m.

_____,
Chairman