



JOSEPH S. PAXTON
County Administrator



ROCKINGHAM COUNTY

BOARD OF SUPERVISORS

PABLO CUEVAS

Election District No. 1

FREDERICK E. EBERLY

Election District No. 2

DEE E. FLOYD

Election District No. 3

WILLIAM B. KYGER, JR.

Election District No. 4

MICHAEL A. BREEDEN

Election District No. 5

BOARD OF SUPERVISORS MEETING February 13, 2013

3:00 p.m. CALL TO ORDER – CHAIRMAN FREDERICK E. EBERLY
INVOCATION – CHAIRMAN FREDERICK E. EBERLY
PLEDGE OF ALLEGIANCE – COUNTY ATTORNEY THOMAS H. MILLER, JR.
APPROVAL OF MINUTES – REGULAR MEETING OF JANUARY 23, 2013

Consideration – Resolutions:

a. *Resolution Honoring A. Wesley Graves, VI.*

1. Report – Virginia Department of Transportation – Residency Administrator Donald F. Komara
2. Staff Reports:
 - a. County Administrator – Joseph S. Paxton
 - b. County Attorney – Thomas H. Miller, Jr.
 - c. Deputy County Administrator – Stephen G. King
 - d. Director of Finance – James L. Allmendinger
 - e. Director of Human Resources – Stephen N. Riddlebarger
 - f. Director of Public Works – Barry E. Hertzler
 - g. Director of Community Development – William L. Vaughn
 - h. Director of Technology – Terri M. Perry
 - i. Fire & Rescue Chief – Jeremy Holloway
 - j. Director of Recreation – Katharine S. McQuain
3. Appointments:
 - a. Agricultural Advisory Committee – Election District 3
 - b. Board of Zoning Appeals – Election District 2 (recommendation to Court)
 - c. Blue Ridge Community College Board

4. Committee Reports: Airport, Automobile, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Finance, Harrisonburg-Rockingham Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Information Technology Advisory Committee, Massanutten Regional Library, Public Works, Shenandoah Valley Partnership, Social Services, VACo Liaison, Chairman, Other

6:00 p.m. 5. Public Hearing - Special Use Permits:

SUP-272, Granville E. and Debra Bare, 13518 Bares Auto Drive, Fulks Run 22830 for mini storage on property located on the north side of Brocks Gap Road (Route 259) approximately 230' west of Little Dry River Road (Route 818); Election District #1; Tax Map #36-(A)-196; Zoned RS-1. Property address: 14435 Nash Hill Lane

SUP-276, Carroll Keller, 1181 Mt. Torrey Road, Lyndhurst 22952 for a small contractor's business (office and warehouse) on property located on the southeast side of Wengers Mill Road (Route 753) and Mt. Zion Road (Route 781); Election District #2; Tax Map #63-(A)-111; Zoned A2; Property Address: 10452 Mt. Zion Road.

SUP-301, Jeffrey A. Lucatorto, 10306 Dairy Road, McGaheysville, 22840 for a 50' x 1400' private landing strip and hangar on property located on the south side of Dairy Road (Route 650) approximately 6/10 mile west of Three Springs Road (Route 652); Election District #5; Zoned A-1; Tax Map #141-(A)-80.

8. Unfinished Business

****ADJOURN****

January 23, 2013

The Regular meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 23, 2013, at 6:00 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
MICHAEL A. BREEDEN, Election District #5

WILLIAM B. KYGER, JR., Election District #4 was absent

Also present:

BRYAN F. HUTCHESON, Sheriff

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
BARRY E. HERTZLER, Director of Public Works
RHONDA H. COOPER, Director of Planning
DIANA C. STULTZ, Zoning Administrator
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
JEREMY S. MASON, Assistant Residency Administrator
Virginia Department of Transportation

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**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.**

Chairman Eberly called the meeting to order at 6:00 p.m.

Supervisor Floyd gave the Invocation and Deputy Administrator King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the minutes of the regular meeting of January 9, 2013.

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APPOINTMENT OF DEPUTY CLERK

Administrator Paxton introduced Karrie Garber Alley who will replace Gretchen M. Sallah as Deputy Clerk to the Board.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board appointed Karrie Garber Alley to serve as Deputy Clerk to the Board of Supervisors.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department including updates to the West Springbrook Road (Route 1421) and Airport Road (Route 727) bridge projects, Pineville Road (Route 672) project and Southeast Connector construction.

Additionally, Mr. Komara stated bridge painting projects are being conducted across the County. Governor McDonnell's Transportation Plan indicates the Mauzy and Smithland Road bridges over Interstate 81 will be replaced.

Supervisor Breeden indicated a citizen asked what is required to have flashing red lights at the railroad crossing on McGahey Lane (Route 647). Mr. Komara noted lights at railroad crossings can be included in the Virginia Department of Transportation's Six-Year Improvement Plan and require a 90/10 percent match with VDOT covering 10 percent of the cost of the lights. He noted this is a good location for flashing lights or railroad crossing arms since it is on a curve with an old lumber mill blocking the view. Supervisor Breeden has informed the citizen the lights will be requested, but could take a long time.

Supervisor Breeden also informed Mr. Komara there are big potholes in the pavement on East Side Highway (Route 340) north of Island Ford Road (Route 649).

Supervisor Cuevas noted a concern for the bridge on Mechanicsville Road (Route 614) as the heavy trucks may exceed the weight capacity. Mr. Komara noted the State will replace the structure.

If the Lakeview Development Corporation rezoning being heard later in the meeting is approved, Supervisor Floyd asked VDOT to determine if a 25-mile per hour speed zone is

appropriate for this portion of Shen Lake Drive (Route 689) due to increased foot and cart traffic from the golf course. Mr. Komara stated he would look into the request.

In response to a question from Chairman Eberly, Mr. Komara stated secondary roads need to be 19 feet wide with a volume of 750 vehicles per day before a center line is considered. Chairman Eberly noted painted lines make a significant difference at night, especially when it is raining. He expressed appreciation for the lines on Green Hill Road (Route Route 721).

Administrator Paxton advised the Finance Committee met to review the Southeast Connector contract, and that the contract had also been reviewed by VDOT. He commended the attorneys involved for creating a comprehensive agreement for construction of the Southeast Connector segment extending from Reservoir Street, near the Rockingham Memorial Hospital campus, to Spotswood Trail (US Route 33 East).

Supervisor Cuevas reported the following:

The Finance Committee reviewed the latest draft of the Comprehensive Agreement (Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) and the Public Private Transportation Act of 1995 (PPTA) contract) between Rockingham County and Southeast Connector LLC for the construction of the portion of the connector road from Rockingham Memorial Hospital to Spotswood Trail and recommends the Board amend the amount authorized for the contract to no more than \$9,950,000 with funding for this additional amount to come from the Capital Reserve, if required. This additional amount provides an approximate \$200,000 contingency on the project.

The contract, which was authorized earlier by the Board subject to review by the Finance Committee, is to be executed this week by the County Administrator. Staff has completed an extensive review with VDOT and has worked closely with the contractor, Southeast Connector LLC, on the details of the work. The total contract amount is \$9,768,287 with a completion date 660 days after the Notice to Proceed. The project should be completed in late December 2014 or January 2015, depending on the Notice to Proceed date.

The Committee has also reviewed the options for the Boyers Road connection and recommends the Board select Option 4. Option 4 includes a cul-de-sac of Boyers Road as shown on the vicinity map at the public hearing and will leave the turn signal in place at its current location on Spotswood Trail. This option will allow for the commercial use of properties between Chestnut Ridge at the City limits and Stone Spring Road (the Southeast Connector).

Administrator Paxton informed the Bicycle Advisory Committee members in attendance that the Southeast Connector, as designed, will include eight foot shoulders similar to those on Route 42 (Harpine Highway and John Wayland Highway), and bike lane markings will be added after the road is complete.

Supervisor Floyd indicated he was pleased that the Southeast Connector has a timely completion date.

Administrator Paxton expressed appreciation to VDOT for their expedited review of the Southeast Connector project.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board authorized Administrator Paxton to execute the contract with Southeast Connector LLC at a cost not to exceed \$9,950,000, with a completion date 660 days after the Notice to Proceed, and utilizing Option 4 for the Boyers Road connection.

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ORDINANCE – SECTION 7-84, INTEREST AND PENALTIES.

Mr. Miller noted the County wants to be flexible in some situations when a taxpayer who collects food and beverage tax has a valid reason for submitting the return or tax up to five business days late. Under these circumstances, the situation would be examined closely and reviewed on a case-by-case basis. As stated in Code Section 7-84(c), the taxpayer may not request a delay more than once in five years, Mr. Miller explained.

Administrator Paxton stated it makes good business sense not to over penalize someone who made an honest mistake.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
AND RE-ENACTING
SECTION 7 - 84
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 7 - 84. "Interest and penalties" be and hereby is repealed and re-enacted as follows:

Section 7 - 84 Interest and penalties.

- (a) If any person shall fail or refuse to remit to the treasurer the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the treasurer, interest at the rate of ten (10) percent per

annum from the first day following the day such tax is due upon the amount of the tax for each year or portion thereof.

- (b) If any person shall fail or refuse to file a return required by this article in the time specified, there shall be added to the tax by the treasurer a late filing penalty of ten (10) percent of the tax assessable on such return or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.
- (c) The Commissioner of the Revenue, in consultation with the County Administrator, may delay imposition of the late filing penalty mandated in subsection (b) of this section for up to five (5) business days on a case-by-case basis, for good cause shown, so long as the taxpayer requesting a delay in imposition has not requested a delay in the immediately-preceding five (5) years. "Good cause", as used in this subsection, may include, but is not limited to, an inadvertent error or good faith mistake of an employee or contractor of a taxpayer that has an otherwise good record of timely filing of returns and payment of taxes. The Commissioner shall adopt procedures for the application for a delay in the imposition of the late filing penalty. A delay of the imposition of the late filing penalty granted pursuant to this subsection shall also delay the accrual of interest imposed by subsection (a) of this section for an identical period of time.

This ordinance shall be effective from the 1st day of July, 2012.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's January 17, 2013 staff report. Administrator Paxton noted a number of proposed Bills in the General Assembly could have an impact on the County. Since a proposed Bill introduced last year by Senator Hanger and Delegate Wilt regarding interest on refunds has received significant opposition from the business community, and the General Assembly does not want to act on this, Senator Hanger and Delegate Wilt withdrew the Bill to address concerns raised by opponents.

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INTRODUCTION OF STUDENTS.

Students from Eastern Mennonite High School introduced themselves to the Board.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Hertzler's January 23, 2013 staff report.

Mr. Hertzler reported the landfill wheel wash will soon be operational.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's January 23, 2013 staff report.

Administrator Paxton advised Mr. Vaughn was not in attendance as he was ill and had left work earlier in the day. Administrator Paxton reported McCormick Taylor provided a proposed Scope of Work for preparing a Rockingham County Bicycle and Pedestrian Plan for the non-MPO areas of the County. The Rockingham Bicycle Advisory Committee reviewed the draft Scope of Work and recommended contracting with McCormick Taylor to prepare the Plan in conjunction with the MPO Bicycle and Pedestrian Plan. The consultant can perform the additional scope of work for \$19,000, Administrator Paxton said. The County talked with members of the DR100, a bicycling and pedestrian safety advocacy group, about donating money to the Plan and Administrator Paxton believes they are receptive. With this plan, when road projects are considered that include bike lanes, the County could be eligible for funding they would not be eligible to receive, if they did not have a bike plan. Since the County and City are becoming known as a "cycling haven," it is important to work with VDOT to make the roads safe for bicyclists and motorists, Administrator Paxton said.

Ms. Cooper noted the Rockingham Bicycle Advisory Committee considered the scope of work to be thorough. A couple items were submitted to McCormick Taylor for revision, and the final draft will be presented to Administrator Paxton, Ms. Cooper said.

On motion by Supervisor Breeden, seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the scope of the project submitted by McCormick Taylor for a Rockingham County Bicycle and Pedestrian Plan subject to final funding being secured.

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COMMITTEE REPORTS.

CHAMBER OF COMMERCE

Supervisor Cuevas advised the Chamber will hold a retreat in the near future.

COMMUNITY CRIMINAL JUSTICE BOARD

Supervisor Cuevas noted an individual was hired to work with Ann Marie Freeman and oversee the Crisis Intervention Team (CIT) program.

FINANCE

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN -

AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the following supplemental appropriations.

1. Public Works

A supplemental appropriation of \$9,986 for a utility crane. Funding will be provided from the sale of a backhoe and attachment. The sale of the backhoe was recorded to the Solid Waste Fund, therefore, a transfer from the Solid Waste Fund to the Water and Sewer Fund is also requested in the amount of \$9,434.

Supplemental Appropriation: \$9,986

\$9,986	GL Code: 401-04402-000-8001-000	Machinery & Equipment
\$9,434	GL Code: 401-05101-2410	Transfer from Solid Waste Fund
\$ 552	GL Code: 401-01899-0950	Sale of Property

2. Public Works

A supplemental appropriation of \$9,434 for the transfer of proceeds received from the sale of a backhoe to the Water and Sewer Fund.

Supplemental Appropriation: \$9,434

\$9,434	GL Code: 410-09301-000-9541-000	Transfer to Water and Sewer Fund
\$9,434	GL Code: 410-01899-0900	Sale of Equipment

3. Fire and Rescue

A supplemental appropriation of \$4,614 for overtime and operating supplies for a Level III HAZMAT response in Rockbridge County on November 24, 2012. Funding has been received from the Virginia Department of Emergency Management for Hazardous Response Cost Recovery.

Supplemental Appropriation: \$4,614

\$2,596	GL Code: 001-03201-000-1200-000	Overtime
\$2,018	GL Code: 001-03201-000-6014-000	Other Operating Supplies
\$4,614	GL Code: 001-02404-9900	Other State Funds

4. Clerk of Circuit Court

A supplemental appropriation of \$13,935 for conservation of historical deed books 2-7. Funding will be provided by the Virginia Circuit Court Records Preservation Program grant through the Library of Virginia and requires no local match.

Supplemental Appropriation: \$13,935

\$13,935	GL Code: 001-02106-150-3109-000	Other Professional Services
\$13,935	GL Code: 001-02404-1800	Records Preservation Grant

5. Sheriff

A supplemental appropriation of \$18,290 to purchase raincoats and uniforms, and the costs to purchase and furnish a vehicle to be acquired from the Virginia State Police. Funding is to be provided from Asset Forfeiture funds as listed below:

Supplemental Appropriation: \$18,290

\$11,969	GL Code: 211-03507-000-6016-000	Police Uniforms
\$ 2,821	GL Code: 211-03507-000-6065-000	Minor Equipment
\$ 3,500	GL Code: 211-03507-000-8005-000	Vehicles
\$18,290	GL Code: 211-02407-0100	State Asset Forfeiture

6. Health Insurance - School Fund, Cafeteria Fund and Massachusetts Technical Center Fund

A supplemental appropriation of \$147,715 to cover the cost of the employee's portion of health insurance for FY2013. Funding will be provided by a transfer from the Self-Funded Insurance Fund. Approval for the transfer is also requested.

Supplemental Appropriation: \$147,715

\$ 30,000	GL Code: 201-61100-300-2300-100	Health Insurance-School Fund
\$ 35,000	GL Code: 201-61100-300-2300-200	Health Insurance-School Fund
\$ 40,800	GL Code: 201-63200-900-2300-000	Health Insurance-School Fund
\$ 30,000	GL Code: 201-61310-200-2300-100	Health Insurance-School Fund
\$ 7,485	GL Code: 202-65100-900-2300-000	Health Insurance-Cafeteria Fund
\$ 4,430	GL Code: 205-61100-300-2300-300	Health Insurance-MTC Fund
\$135,800	GL Code: 201-05101-2310	Transfer from Self-Funded Insurance Fund
\$ 7,485	GL Code: 202-05101-2310	Transfer from Self-Funded Insurance Fund
\$ 4,430	GL Code: 205-05101-2310	Transfer from Self-Funded Insurance Fund

7. Health Insurance - General Fund, Social Services District Fund, Comprehensive Services Act Fund, Water and Sewer Fund, and Solid Waste Fund

A supplemental appropriation of \$41,709 to cover the cost of the employee's portion of health insurance for FY2013. Funding will be provided by a transfer from the Self-Funded Insurance Fund. Approval for the transfer is also requested.

Supplemental Appropriation: \$41,709

\$30,448	GL Code: 001-09120-000-2303-000	Employee Share of Health Insurance-General Fund
\$ 7,508	GL Code: 220-05301-300-2300-200	Health Insurance-Social Services District
\$ 209	GL Code: 225-05318-100-2300-000	Health Insurance-CSA
\$ 208	GL Code: 225-05318-200-2300-000	Health Insurance CSA
\$ 1,668	GL Code: 401-04402-000-2300-000	Health Insurance-Water and Sewer
\$ 1,668	GL Code: 410-04204-000-2300-000	Health Insurance
\$30,448	GL Code: 001-05101-2310	Transfer from Self-Funded Insurance Fund
\$ 7,508	GL Code: 220-05101-2310	Transfer from Self-Funded Insurance Fund
\$ 417	GL Code: 225-05101-2310	Transfer from Self-Funded Insurance Fund
\$ 1,668	GL Code: 401-05101-2310	Transfer from Self-Funded Insurance Fund
\$ 1,668	GL Code: 410-05101-2310	Transfer from Self-Funded Insurance Fund

8. Self-Funded Insurance Fund

A supplemental appropriation of \$189,424 to cover the cost of the employee's portion of health insurance for FY2013. Funding will be provided by the Self-Funded Insurance Fund Reserve. Approval for the transfers to the individual funds is also requested.

Supplemental Appropriation: \$189,424

\$ 30,448	GL Code: 310-09301-000-9501-000	Transfer to General Fund
\$ 7,508	GL Code: 310-09301-000-9527-000	Transfer to Social Services District
\$ 417	GL Code: 310-09301-000-9528-000	Transfer to CSA
\$ 1,668	GL Code: 310-09301-000-9541-000	Transfer to Water & Sewer Fund
\$ 1,668	GL Code: 310-09301-000-9545-000	Transfer to Solid Waste Fund
\$135,800	GL Code: 310-09301-000-9521-000	Transfer to School Fund
\$ 7,485	GL Code: 310-09301-000-9522-000	Transfer to Cafeteria Fund
\$ 4,430	GL Code: 310-09301-000-9550-000	Transfer to MTC
\$189,424	GL Code: 310-05201-0100	Self-Funded Insurance Fund Reserve

9. School Capital Projects

A supplemental appropriation of up to \$500,000 for the installation of safe vestibules and security cameras. Funding will be provided by a transfer from the County Capital Projects Fund. Approval for the transfer is also requested.

Supplemental Appropriation: \$500,000

\$150,000	GL Code: 103-09402-020-6065-000	Minor Equipment
\$350,000	GL Code: 103-09402-020-8305-000	Site Improvements
\$500,000	GL Code: 103-05101-2101	Transfer from County Capital Projects Fund

10. County Capital Projects

A transfer between expenditure codes within the County Capital Projects in order to fund the installation of safe vestibules and security cameras at various schools up to \$500,000.

Transfer from:

(\$500,000) GL Code: 101-09401-000-8341-000 Future School Construction

Transfer to:

\$500,000 GL Code: 101-09301-000-9513-000 Transfer to School Capital Projects

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Administrator Paxton noted the last scheduled meeting was postponed due to inclement weather.

MASSANUTTEN REGIONAL LIBRARY

Chairman Eberly advised the Committee met. He asked Board members to volunteer for any of the committees they have interest in on which he currently serves.

SOCIAL SERVICES

Supervisor Breeden reported this group will meet January 24, 2013.

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CLOSED MEETING.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board recessed the meeting from 6:47 p.m. to 7:07 p.m., for a closed meeting pursuant to 2.2-3711.A(3), Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; (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 regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR CUEVAS
SECOND: SUPERVISOR FLOYD

RESOLUTION NO: 13-2
MEETING DATE: JANUARY 23, 2013

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,
NAYS: NONE
ABSENT: KYGER

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PUBLIC HEARING – REZONING.

At 7:07 p.m., Chairman Eberly opened the public hearing and Ms. Cooper reviewed the following rezoning request:

REZ-251 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg, VA 22801, to rezone 11.586 acres from R-2 (Medium Density Residential) to R-3 (General Residential) and 3.119 acres from R-2 to B-1 (General Business) totaling 14.705 acres of tax parcel 126-(A) 144. The 11.586-acre portion is located northeast of the intersection of Massanetta Springs Road (Rt. 687) and Shen Lake Drive (Rt. 689); the 3.119-acre portion is located northwest of the intersection of Shen Lake Drive and Lakeview Circle (Rt. 1025) in Election District 3. The Comprehensive Plan designates this area as Community Residential. The applicant plans to construct townhouses on the 11.586-acre portion and an event center on the 3.119-acre portion.

Ms. Cooper informed the Board that the proposed R-3 townhouse portion of the request was withdrawn and the applicant was requesting consideration of the B-1 event center. The proffers, which were revised to only reflect the B-1 portion of the original request, include significant limitations regarding uses for the 3.119 acres as an event center to include a golf club house, golf pro shop, restaurant, cart storage and other associated golf course activities. The event center would accommodate 300 people, Ms. Cooper said. The proffers also include extensive landscaping within the parking lot and a tree-lined, landscaped border between the parking lot and the adjacent public roads.

The Planning Commission recommended approval by a 5 to 0 vote on January 2, 2013, concurring with staff's recommendation, which stated:

This rezoning request is compatible with the Comprehensive Plan designation of Community Residential and furthers the goals and strategies of the Plan.

David H. Holt, President of Lakeview Development Corporation and Lakeview Golf Club, indicated he is not a stockholder but is a Massanetta Springs Road resident and is aware of the neighbors' views. He explained that the site currently consists of a partially condemned 1853 house, an 1853 barn, a metal building used for machinery repair parts, a 28-year old club house, which contains a snack bar and pro shop and accommodates approximately 20 to 30 people, and a cart shed. The development corporation wants to construct an event center that is environmentally sound, handicapped accessible and provides for storage of electric carts. They plan to remove the current buildings, which have little value, and construct a 12,000 square foot, single-story club house/event and tournament center using solar power and a storage area for electric carts. They also plan to rebuild the parking lot. This is a locally-owned corporation, and

the proposal is to enhance the support facilities in order to help the course be profitable. Three stockholders live on properties along the golf course, Mr. Holt said. Last year 51 charitable tournaments and 84 events were held at the golf course. The charitable organizations require space to hold luncheons or dinners after their events. Such events are currently held in a pole barn which houses golf carts when it is not used for dining. Since there are no lights in the pole barn, events need to conclude before dark.

Dick Blackwell from Blackwell Engineering stated nearby residents are concerned about using Lakeview Drive as an entrance to the golf club. The development group plans to discuss this with VDOT during the site plan stage but the preliminary information is that VDOT recommends using Lakeview Drive for the entrance and exit to the facility. Signage will be erected on Shen Lake Drive so people attending events can easily see the driveway. The parking lot will be enlarged and parking will not be allowed on Lakeview Drive or Shen Lake Drive. Water and sewer is available, Mr. Blackwell said. The golf course property is currently zoned R-2. Before Heritage Oaks Golf Course opened, Lakeview averaged 70,000 rounds of golf a year; they now average 40,000 a year. In order to boost business and make the golf club profitable, improvements are necessary.

Mr. Blackwell noted that since neighbors had concerns about the R-3 town houses, that portion of the request was withdrawn.

Mr. Blackwell, referring to the proposed B-1, stated that the development group also wants to work with concerned neighbors who requested the club set a curfew for events. The golf club will compete with the Spotswood Country Club and Cross Keys Vineyard, neither of which has curfews. Mr. Blackwell reported that during the last year, one event at the Spotswood Country Club lasted until 12:30 a.m., two went past 11 p.m. and the others ended prior to 11 p.m. The golf club will enter contracts with people and organizations using the facility, and will have employees on site to oversee the event. The facility will have an ABC license and will be regulated by the ABC Board. Lakeview has proffered very extensive landscaping to fit into the community and look nice. The Golf Club Board is determined to control late night events and noise as they are concerned for the neighbors. Curfews have not been proffered due to occasional New Year's Eve events or other unusual events; once a proffer is made they will be bound by it. The golf club would rather not be bound by such a proffer but intends to be a good citizen and work with the neighbors, Mr. Blackwell said.

Catherine Rittenhouse stated she wants the golf course to be a viable operation but she has concerns, primarily related to traffic and the entrance/exit since that is close to her home on Lakeview Drive. She indicated children live on this road and she has concerns about their safety. Ms. Rittenhouse said she and other neighbors have offered an alternate entrance on Shen Lake Drive. She is concerned about the rezoning because it appears most of what the golf course wants could be accomplished without rezoning to allow a restaurant. She also expressed concern about noise and a curfew. She noted the Spotswood Country Club and Cross Keys Vineyard are not in a residential area.

Judith Rocchiccioli, who lives on Lakeview Drive in the second house from the golf course, indicated she has the same concerns as all four people who live on Lakeview Drive and some residents on Lakeview Circle that traffic will collect on Shen Lake Drive and cause problems for residents getting in and out of their property. She would like the entrance to remain

on Shen Lake Drive. She said the event center will be available for rent to the public, not just golfers, such as James Madison University fraternities and wedding parties that last until late at night and provide alcohol. The neighbors suggested a 10 p.m. curfew from Sunday through Thursday and 12 or 1 a.m. on weekends. Ms. Rocchiccioli said she moved to Lakeview Drive because it is a beautiful, quiet neighborhood. She owned a vineyard in Hanover County and agreed to a curfew to make her neighbors feel safe and confident. Cross Keys Vineyard is in a rural area and rents their facility for thousands of dollars and from 1 to 5 p.m. She asked the Board if they would want an event center open to the public across from their house without being assured attendees are going home at a reasonable time and knowing issues can surface when people consume alcohol.

David Harrison stated he was not necessarily opposed as the golf course is a good neighbor and good stewards of the land, but he had concerns about traffic, which he realizes falls under VDOT regulations. He was also concerned about the lack of a 12:30 or 1 a.m. curfew on weekends because he does not want people partying at the golf course wandering up the street into his yard.

Eric Blumensen stated he agrees with the other speakers. He confirmed with Ms. Cooper that the proffers indicate a row of trees would be planted on Shen Lake Drive. He was curious if the trees were proffered to hide the beautiful, new structure, for ecological purposes or for some other reason.

Administrator Paxton pointed out that proffer number 7 indicates "Trees shall be planted and maintained within landscaping borders adjacent to public street rights-of-way ..."

Mr. Blumensen indicated he likes trees but still questioned why they are being placed on Shen Lake Drive. He asked if the same type deciduous trees could be planted on Lakeview Drive to obscure the event center and cut down on noise.

As further clarification, Administrator Paxton, noted the proffer said "public street rights-of-way" indicating there is more than one public street and more than one right-of-way, so it appears the proffer applies to all public streets, including Lakeview Drive.

At 7:40 p.m., Chairman Eberly closed the public hearing and reconvened the regular meeting.

Supervisor Floyd said he was one of the original golf club stockholders but sold his stock some years ago. He is a neighbor of the golf course and the new nine holes are behind his house. He has mixed feelings but would like the golf course to specify how they intend to address the curfew concerns and provide information regarding the number of events held in a week. This would give concerned citizens a better idea of the expected traffic. Supervisor Floyd said he would like to table this request temporarily and asked someone from the golf course to provide documentation on their intent regarding the concerns discussed during the public hearing.

On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board, tabled REZ-251, Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg, VA 22801, to rezone 3.119 acres of tax parcel 126-(A)-L44 from R-2 to B-1 (General Business). The 3.119-acre portion is located northwest of the intersection of Shen Lake Drive and Lakeview Circle (Route 1025) in Election District 3. The Comprehensive Plan designates this area as Community Residential.

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

Chairman Eberly reopened the public hearing at 7:43 p.m. to discuss the proposed ordinance amendments. Ms. Stultz reviewed the following proposed amendments:

OA-227, Amendment to Chapter 17, (Zoning) Article VI, Uses in Districts, Division 2 Prime Agricultural A-1 to repeal Sections 17-24.1 through 17-24.4 Accessory Uses by Special Use Permit in A-1; amend Section 17-23 Special Uses in A-1 to add those uses that were in Sections 17-24.1 through 1-24.4; and amend Section 17-27, Special Uses in A-2 to add that any use allowed by special use in A-1 shall be allowed by special use in A-2, if not otherwise listed.

Ms. Stultz explained the current ordinance contains permitted uses, special uses, and a category with accessory uses by special-use permit that is associated with the amount of land owned, how much land can be used for a business and the size building allowed for the business. Several citizens have built the maximum size building allowed and with the economic downturn, they are forced to sell some of their land, lose their business, or both. On July 25, 2012, the Board directed staff to examine accessory uses in prime agricultural districts and determine which ones could appropriately be requested by a special-use permit to alleviate this hardship for citizens.

On October 2, 2012, staff presented proposed ordinance recommendations to the Planning Commission for consideration. Staff moved the uses allowed by special-use permit as an accessory use to a farming operation under special-use permits in the A-1 district. Additionally, they proposed any uses allowed by a special-use permit in the A-1 zoning district and not listed in the A-2 district, be allowed in A-2 by special-use permit. The Planning Commission tabled the proposal because they thought staff could incorporate all of the changes in the zoning ordinance rewrite and were concerned about piece-mealing the zoning ordinances.

On December 4, 2012, the Planning Commission brought forth a modified recommendation for approval. They wanted to leave in items pertaining to agriculture but remove the accessory uses by special-use permit in sections 17-24.1 through 17-24.4. In A-1 districts, they wanted to remove things such as upholstery shop, furniture repair, glassworks, seamstress, knitting, basket making, artist studio and pottery shop, and wanted to add numerous agricultural uses under 17-23(aj) that would be allowed "when located on a property where an ongoing agricultural operation is under land use taxation, and operated by a full-time resident of the farm, and limited to no more than two (2) off-farm employees." This terminology is in the accessory use for a special-use permit, Ms. Stultz said. In A-2, they wanted to allow the same

uses recommended in the A-1 district by special-use permit but without the restrictions for off-farm employees and land use taxation.

Ms. Stultz explained that both staff's proposal and Planning Commission recommendations with modifications were being brought before the Board to decide which recommendation, if either, they want to approve, and to provide any additional desired changes.

Kim Sandum confirmed with Ms. Stultz that the Planning Commission modifications contained language requiring uses associated with a farming operation but staff's recommendations did not contain such language. Ms. Sandum stated she was in favor of continuing to tie the ordinance with the farming operation since the property is in agriculturally-zoned areas.

OA-288, An amendment to Chapter 17 (Zoning), Article X (Violation and Penalty), Section 17-225 (Complaints regarding violations) to remove the word "written" and to change the word "file" to "lodge" and the word "filed" to "lodged" in this section of the County Code.

Ms. Stultz noted the County's current ordinance indicates a person may file a "written" complaint. Most complaints regarding violations are received by telephone. State Code uses "complaint" and does not require it to be written. Staff also recommended changing the word "file" to "lodge" and "filed" to "lodged" because "file" refers to a written complaint.

On January 2, the Planning Commission recommended approval on a 5-0 vote, concurring with staff's recommendation that most complaints are received by telephone and not in writing. If the County Code indicates "written complaints," staff may be forced to require all complaints be written.

Supervisor Cuevas stated he is in agreement with this recommendation unless staff thinks it is better to receive the complaint in writing to eliminate confusion about what was discussed.

Ms. Stultz advised most complaints are received by telephone. When a violation is reported, staff looks at the Code to determine what is involved and follows the Code. This ordinance amendment would reflect what has been transpiring in the County for the last 20-25 years, Ms. Stultz said.

Supervisor Cuevas again noted he is comfortable with this as long as staff makes notes about what a citizen has said because citizens often tell him something different than what they have told staff. Ms. Stultz responded that will not occur on a violation complaint.

No one spoke in favor or against this ordinance amendment.

OA-289, Amendment to Chapter 17 (Zoning), Article X (Violation and Penalty), add new Section 17-225.1 (Inspection warrants) to allow the magistrate to grant an inspection

warrant to enter a residence when there is probable cause that a zoning violation has occurred and the owner or tenant refuses entry to zoning staff.

Ms. Stultz indicated Section 17-225.1 is a new ordinance regarding inspection warrants. State Code allows the Zoning Administrator, or agent, to obtain an inspection warrant to enter a dwelling and determine if a zoning violation has occurred. Staff must prove to the magistrate that a reasonable effort was made to obtain access to the house but access was denied by the owner or tenant. Ms. Stultz noted this ordinance only applies to residences.

On January 2, the Planning Commission recommended approval on a 5-0 vote, concurring with staff's recommendation since there are numerous complaints of property owners turning single-family dwellings into apartments, and this would give the Zoning Administrator the ability to determine if there is a violation.

No one spoke in favor or against this ordinance amendment.

OA-305, Amendment to Chapter 17 (Zoning), Article VII, Use Regulations to remove Division 6C, Farm Winery and delete Section 17-147 through Section 17-147.02 requirements for farm wineries from the County Code; amend Article VI, Uses in Districts, Division 2, Section 17-22 Permitted Uses in A-1 to permit farm wineries and related activities by right; amend Division 3, Section 17-26 Permitted Uses in A-2 to permit farm wineries and related activities by right; amend Division 2, Section 17-23 Special Uses in A-1 to remove farm wineries; and amend Division 3, Section 17-27 Special Uses in A-2 to remove farm wineries.

Ms. Stultz noted this ordinance amendment pertains to farm wineries and is a housekeeping matter to comply with State Code. The only regulation a jurisdiction can place on farm wineries pertains to the amount of noise coming from a property, she said.

Proposed ordinance amendments pertaining to farm wineries were presented to the Board on October 24, 2012 and tabled for staff's further review.

On January 2, 2013, the Planning Commission recommended approval on a 5-0 vote, concurring with staff's recommendation to remove section 17-147 through 17-147.02 in its entirety to allow farm wineries flexibility regarding events and activities by removing the need for a special entertainment permit for each event held. It also removed the restriction on the number of events allowed and permits wineries to have on-site catering or restaurant facilities, if other agencies' requirements are met.

For A-1 districts, (w) under Permitted Uses would be changed to indicate "farm winery and related activities" and references to special-use permits in A-1 and A-2 districts would be removed from the ordinance.

For A-2 districts, (ah) under Permitted Uses would be changed to indicate "farm winery and related activities".

Ms. Stultz explained the State took the authority away from localities to regulate farm wineries. The County cannot inform a farm winery they are not permitted to do something the State indicates is "customary for a farm winery." For example, if the winery can show it is customary for wineries in Virginia to have a small restaurant, the County cannot tell the winery a restaurant is not permitted. She further explained that a farm winery must grow 51% of the grapes used.

Administrator Paxton noted this ordinance amendment will bring the County Code into compliance with current State law. The difference between a farm winery and a commercial winery is determined by the number of gallons of wine produced per year, which is a relatively small amount in the wine business. The majority of wineries in Virginia are relatively small, non-commercial wineries because there are more regulations placed on commercial wineries.

Supervisor Cuevas expressed concern the General Assembly may create unfair competition with all the businesses that need to go through Health Department and building code requirements. A winery, as an agricultural use, can pay \$25 for a building permit regardless of the square footage. This could force localities to change their permitting process and the cost of being in the agricultural business.

Administrator Paxton noted wineries do not have to meet building code requirements but they are insured and insurance companies require a high level of compliance. Wineries also have to meet Health Department regulations.

No one spoke in favor or against this ordinance amendment.

At 8:20 p.m., Chairman Eberly closed the public hearing and reconvened the regular meeting.

Mr. Miller reminded the Board that they needed to make a choice on the first ordinance amendment that the Planning Commission modified.

Ms. Stultz explained the Planning Commission modifications tie it to a farm under land use.

Supervisor Cuevas indicated he preferred staff's recommendation because the request does not have to be farm-related.

Chairman Eberly suggested the Board vote on OA-288, OA-289 and OA-305 first and then come back to OA-227.

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

**ORDINANCE REPEALING
AND RE-ENACTING
SECTION 17 - 225
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17 - 225. "Complaints regarding violations" be and hereby is repealed and re-enacted as follows:

Section 17 - 225 Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may lodge a complaint. Such complaint, stating fully the cause and basis thereof, shall be lodged with the zoning administrator. He shall record properly such complaint, investigate, and take action thereon provided by this chapter.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE ENACTING
SECTION 17 - 225.1
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17 - 225.1. "Inspection warrants" be and hereby is enacted as follows:

Section 17 - 225.1. Inspection warrants.

The Zoning Administrator, or agent, may present sworn testimony to a magistrate or court of competent jurisdiction, and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the Zoning Administrator an inspection warrant to enable the Zoning Administrator, or agent, to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The Zoning Administrator, or agent, shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE REPEALING
AND RE-ENACTING
SUB-SECTION 17 – 22(w)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sub-section 17 – 22(w). “Permitted uses” be and hereby is repealed and re-enacted as follows:

Sub-section 17 – 22
(w) Farm winery and related activities.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE REPEALING
AND RE-ENACTING
SUB-SECTION 17 – 23 (af)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sub-section 17 – 23 (af). “Special uses” be and hereby is repealed and re-enacted as follows:

Sub-section 17 – 23 (af) Reserved.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE REPEALING
AND RE-ENACTING
SUB-SECTION 17 – 26 (ah)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sub-section 17 – 26 (ah). “Permitted uses” be and hereby is repealed and re-enacted as follows:

Sub-section 17 – 26
(ah) Farm winery and related activities.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE REPEALING
AND RE-ENACTING
SUB-SECTION 17 – 27 (bd)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sub-section 17 – 27 (bd) “Special uses” be and hereby is repealed and re-enacted as follows:

Sub-section 17 - 27 (bd) Reserved.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE REPEALING
DIVISION 6C, OF ARTICLE VII, OF CHAPTER 17,
AND RENUMBERING
DIVISION 6A TO DIVISION 6
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Division 6C “Farm Winery”, of Article VII “Use Regulations”, of Chapter 17 “Zoning”, including all the sections therein (Section 17- 147 through Section 17 – 157, inclusive) be and hereby is repealed.

Division 6B of Article VII of Chapter 17 is also repealed, including its Section 17 - 146.

Division 6A of Article VII of Chapter 17 shall henceforth be numbered Division 6 of Article VII of Chapter 17.

This ordinance shall be effective from the 23rd day of January, 2013.

Supervisor Cuevas asked Mrs. Stultz to review ordinance amendment OA-227 again.

Ms. Stultz stated the Board asked staff to examine accessory uses in prime agricultural districts and determine which ones could appropriately be requested by a special-use permit to make it easier for people in an A-1 district to be able to have certain special uses that are now by accessory use by special use permit, without the request relating to a farming operation, acreage or building size based on the amount of acreage in the parcel.

In order to do that, staff moved the uses under the accessory uses by special-use permit to special-use permits so the requests would still require Board approval. In the A-2 district, any of those uses not already listed in A-1 would be allowed by special use permit in A-2.

The Planning Commission made modifications to staff's recommendation by removing from A-1 districts some of the uses such as upholstery shop, furniture repair, glassworks, seamstress, knitting, basket making and pottery shop because they did not feel they pertained to agricultural uses. They wanted to add, for the remaining uses in the ordinance, "when located on a property where an ongoing agricultural operation is under land use taxation, and operated by a full-time resident of the farm, and limited to no more than two (2) off-farm employees." They requested the A2 district have the same uses as recommended in A-1 but by special use permit and the A-2 district would not be limited to the farming operation or to the number of off-farm workers.

Administrator Paxton clarified that these uses would require a special-use permit from the Board but the question is whether to give the Board the flexibility to look at each individual case and determine what is permissible in unique circumstances. In certain settings, it may be permissible to allow a use that you would not normally want because it does not relate to a farming use. It is not that these uses will automatically be allowed, they would be allowed only by a special-use permit approved by the Board.

Supervisor Cuevas confirmed with Ms. Stultz that was what staff intended. Ms. Stultz replied that was correct.

Supervisor Cuevas stated the County gets many different requests with many different intentions from many different neighborhoods. Since the intention of the requestor and location of the request may impact the Board's decision, Chairman Cuevas prefers to approve the request by a special-use permit with the option to place conditions on the request.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 3 to 1 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - NAY; FLOYD - AYE; KYGER - ABSENT; the Board approved the following ordinance

amendment as recommended by staff on October 2, 2012 to require approval by a special-use permit:

**ORDINANCE
ENACTING
SUB-SECTIONS aj THROUGH aq
OF SECTION 17 - 23
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That sub-sections aj through aq of Section 17 - 23, "Special Uses" be and hereby are enacted as follows:

Sub-sections aj through aq of 17 - 23

- (aj) Farm equipment repair, including fabrication of parts;
- (ak) Processing of farm products grown on the same land or land lying within two (2) miles of the property on which the business is located;
- (al) Sawmill;
- (am) Fruit packing plant;
- (an) Feedmill;
- (ao) Poultry litter service or brokerage operation;
- (ap) Veterinary practice;
- (aq) Handicrafts and cottage industries, limited to those identified below, provided that all products and services offered are manufactured and/or performed on premises:
 - (1) Woodworking shop;
 - (2) Blacksmithing or metal working shop;
 - (3) Leather working shop;
 - (4) Upholstery shop;
 - (5) Furniture repair or refinishing shop;
 - (6) Glassworks including making of glass and stained glass artifacts;
 - (7) Seamstress or tailor shop;
 - (8) Knitting, weaving or quilting shop;
 - (9) Pottery shop;
 - (10) Basketmaking shop;
 - (11) Meat curing, canning, and preserving operation
 - (12) Taxidermy shop
 - (13) Gunsmith shop
 - (14) Artist studio

Previously existing sub-sections a through ai are reaffirmed and remain in effect.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE REPEALING
SECTION 17 – 24.1 THROUGH
SECTION 17 – 24.4
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sections 17 – 24.1 “Accessory uses by special use permit”, 17 – 24.2 “Same – Intent”, 17 – 24.3 “Same – Restrictions” and 17 – 24.4 “Same – Uses” be and hereby are repealed.

This ordinance shall be effective from the 23rd day of January, 2013.

**ORDINANCE
ENACTING
SUB-SECTION bg
OF SECTION 17 - 27
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That sub-section bg of Section 17 - 27. “Special Uses” be and hereby is enacted as follows:

Sub-section bg of 17 – 27

(bg) Any use allowed by special use permit in the A-1 zoning District and not otherwise listed herein.

Previously existing sub-sections a through bf are reaffirmed and remain in effect.

This ordinance shall be effective from the 23rd day of January, 2013.

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ADJOURNMENT.

Chairman Eberly declared the meeting adjourned at 8:08 p.m.

Chairman

RESOLUTION HONORING A. WESLEY GRAVES, VI

WHEREAS, the Rockingham County Board of Supervisors appointed A. Wesley Graves, VI to represent the County on the Board of Directors of the Harrisonburg-Rockingham Community Services Board for a series of terms from February 1994 through June 2001, and then again from June 2004 through June 2012; and

WHEREAS, during his unmatched terms of service, more than 15 years, Mr. Graves ably served as a member of the Community Services Board's Fiscal Committee, Personnel Committee, Long-Range Planning Committee, and Executive Committee; and ably served in a variety of Community Services Board leadership capacities, including Board Chairman, Board Vice-Chairman, and numerous stints as Board Treasurer; and

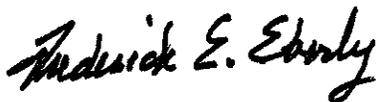
WHEREAS, Mr. Graves earned the respect and admiration of Community Services Board management, staff, and advocates for his compassion and commitment toward individuals with a mental illness, intellectual disability, or substance use disorder; as well as the admiration of his fellow Board members for the wisdom of his observations, for the humility with which he asked astute questions, and for his unparalleled commitment to quality governance; and

WHEREAS, Mr. Graves' guidance to the Board and staff to proactively fund the agency's retirement program through the Virginia Retirement System (VRS), has helped to secure the fiscal stability of the Community Services Board, and has been recognized among its peer agencies for its prudent financial management; and

WHEREAS, Mr. Graves has given freely of his time and expertise in working to improve health care and mental health services for this community by serving on a number of local non-profit Boards, including the Board of Valley Health Plan, and the Rockingham Memorial Hospital Board of Directors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockingham County, Virginia, that said Board does hereby recognize, applaud and thank A. Wesley Graves, VI, for his dedication and years of public service, and more specifically for his compassion and protection of the rights of our most vulnerable citizens.

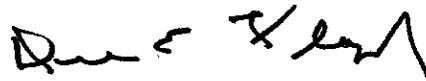
Given under our hand this thirteenth day of February
in the year two thousand thirteen, A.D.



Frederick E. Eberly, Chairman
Supervisor, District 2



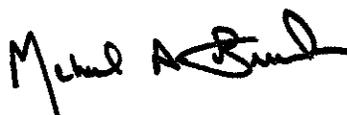
Pablo Cuevas
Supervisor, District 1



Dee E. Floyd
Supervisor, District 3

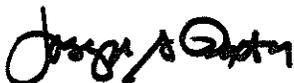


William B. Kyger, Jr.
Supervisor, District 4



Michael A. Breeden
Supervisor, District 5

Attest:



Joseph S. Paxton, County Administrator



COUNTY of ROCKINGHAM
Finance Department

Jim Allmendinger, CPA
Director of Finance

February 5, 2013

To: Board of Supervisors .
From: Jim Allmendinger *Jim*
Director of Finance
Subject: Surplus items

The attached list represents items for surplus no longer used by Rockingham County. If the Board approves the list for surplus, the items may be sold on the public surplus website.

If you have any questions, please don't hesitate to contact me.

/rr

cc: County Administrator
Deputy County Administrator

2/5/13

Surplus List

- 1 – Refrigerant Recovery System - Standing Model LV5 (line leak & broken valve)
- 1 – Refrigerant Recovery System Model: GS1UL
- 1 – Pressure Washer - Model 254422 (bad engine)
- 1 – Generac Gen-Set Generator and Transfer Switch
- 20–Metal Index Files
- 1 – CD-RW / DVD-ROM Drive
- 1 – Sony Model MVC-FD100 Digital Camera
- 1 – Uniden Bearcat Scanner
- 1 – Metal Camera Case
- 1 – Pentax K1000 35mm Camera with Flash, 2 Lenses, and Metal Case
- 1 – Yashica FX-2 35mm Camera with Flash and Nylon Camera Bag
- 1 – Empty Nylon Camera Bag
- 1 – Box of Misc. Cords & Power Strips
- 1 – Box of Misc. Computer Parts
- 28-PC Cases – some containing various computer parts, not working condition

Vehicles for surplus

9825	1998 Ford Crown Victoria	2FAFP71W3WX188580	
9827	1998 Ford Crown Victoria	2FAFP71W4WX188572	no headlights
9726	1997 Ford Crown Victoria	2FALP71W9VX192554	cracked windshield
3051	1996 Ford Van	2FMDA5145TBC64231	Suspension issues due to handicap accessibility
1027	1998 Ford F-150	1FTZX18W7WNB25395	
9707	1997 Ford Crown Victoria	2FALP71W3VX206285	cracked windshield
1035	1998 Ford Windstar Van	2FMZA5147WBC0825	
9813	1998 Ford Crown Victoria	2FAFP71W2WX188571	cracked windshield

1. Effective on January 1, 2014 newly hired employees will be enrolled in the new Virginia Retirement System Hybrid Retirement plan. Although January 2014 is 11 months away Staff has been carefully reviewing the new plan requirements that are significantly different from the current plans. The Hybrid Plan will have two components for the accrual of retirement benefits. One component of the Hybrid Plan is a basic defined benefit plan that provides a minimum fixed calculation benefit at retirement. The other component is a defined contribution plan that allows the employee to contribute to a 457 Plan (similar to a 401k) managed by VRS. The maximum contribution by the employer is 2.5% of creditable compensation. As of the writing of this report there is legislation in the General Assembly to increase the employer's contribution to 2.8%.

The General Assembly also added a new short and long term disability plan to the Hybrid Retirement Plan that is solely and directly funded by the employer but administered through Unum Insurance Company. The long term disability benefit is funded by the employer with calculated payments going into a trust fund set up by VRS to pay benefits, but approval of a claim is processed by Unum Insurance Company. The short term benefit is similar to what you would find in the private sector and paid directly to the employee by the employer.

Staff is reviewing the details of the disability plan at this time to prepare a recommendation for the Board of Supervisors. A decision has to be made prior to September 1, 2013 as to whether the County stays with the disability plan structure offered through VRS or decide to have own plan through a private insurer.

2. On February 6, 2013, Mrs. Susan Rash, Vice President, BB&T Insurance Services presented a program on Health Care Reform to a group of 25 local government and schools representatives from our region.

Staff has a very challenging road ahead to be sure the County is complying with any and all aspects of the Affordable Care Act and its' requirements. Many of the regulations may seem simple on the surface but has hundreds or thousands of pages specific details, many are just now being written. Employers and employees will experience higher costs in the future due to the implementation of requirements of the Act. Health insurance industry experts estimate a 2% - 4% increase to cover the new requirements.

3. Attached is Ms. Babcock's January 2013 Wellness Program activity report for your review.

Respectfully submitted

Stephen N. Riddlebarger

Date: February 5, 2013
To: Stephen Riddlebarger
From: Laura Babcock
Subject: January 2013 Employee Wellness Report

January Wellness Newsletter delivered via e-mail

- Focused on making the New Year healthy, information on caffeine, Anthem's programs offered to employees, recipes and upcoming events.

Holiday Incentive Challenge, Don't Gain, Maintain

- This challenge started Thanksgiving week to maintain your health over the holidays. It ended after the first week of January.
- There were 108 total participants.

Onsite Group Fitness Classes

- There is a lot of interest in classes with the New Year. There was a yoga class added at JFHMS to add to the one already at RCAC.
- Zumba classes are still going strong with classes at TAHS, OES, and JCMES.
- A bootcamp class has just started at CRES.

January Information Session

- Topic: Exercise; with a demo
- Snacks and water made available.
- February Session set for the Tuesday, February 26.

Annual Incentive Challenge

- Registration began on January 1 and this year-long challenge started February 1. This was a great success last year and with a few adjustments will be another great success in 2013.
- There are about 100 registered participants.

Fire and Rescue

- Working with Fire and Rescue to help create a mandatory PT program to prevent injury and improved health among employees.

Rock Well website

- www.rockinghamwellness.com; continue to update weekly.

Upcoming

- 2013 Annual Incentive Challenge, beginning February 1.
- Spring 5K series starting in March/April.
- Spring Ambassador meeting, date TBD.
- Spring walking challenge, with school and department competition.

1. Personnel

Vacancies

Utilities: meter re read/hydrant/valve exerciser technician

Landfill: ok

Refuse & Recycle: ok

Public Works Admin: inspector, GIS/Engineering technician

Facilities Maintenance: ok

2. Utilities Operations

Staff is making plans to replace the estimated read accounts with radio read meters to be able to charge more accurately. This should happen in the next three months.

3. Landfill Operations

The wheel wash is waiting on power from SVEC, otherwise no news from the Landfill.

4. Refuse and Recycle

Staff is working on the recycling report which documents the percentage of recycling for the county.

5. Facilities Maintenance

Staff is busy reviewing service contracts, and exploring which projects need to be included in the proposed budget.

6. Misc

Staff is busy preparing the 2013-2014 budget, to be submitted to the Finance Dept on 2/4/13.

The Timmons Group is working under the following schedule for the Barrington stormwater study.

Kickoff Meeting 12-4-12

Ground Survey 1-11-13

Hydrologic Analysis 1-14-13

Hydraulic Analysis 2-11-13

Deliverable 1: Draft Alternatives Analysis Report 2-25-13

Deliverable 2: Final Alternatives Analysis Report 3-11-13

Staff is busy working on their respective budget items.

Respectfully Submitted

Barry E. Hertzler

Director Public Works

1. PERSONNEL

	<u>Authorized</u>	<u>Filled</u>	<u>Vacant</u>
Department Director (Billy Vaughn)	1	1	
<u>ADMINISTRATIVE</u>			
Administrative Assistant (Betty-Gayle Dove)	1	1	
Receptionist (Vacant)	1	0	1
<u>PERMIT INTAKE & PROCESSING</u>			
Permit Specialist II (Leslie Dodrill)	1	1	
Permit Specialist II (Vacant)	1	0	1
Permit Specialist I (Kelley Ann Weatherholtz)	1	1	
Permit Specialist I – Part-time (Kendrick Smith)	1	½	½
Permit Specialist I (Vacant)	1	0	1
<u>BUILDING CODE ENFORCEMENT</u>			
Building Official (Steve Davis)	1	1	
Deputy Building Official (Vacant)	1	0	1
Building Plan Reviewer (Kevin Kline)	1	1	
Electrical Inspectors (J.N. Riddel and Terry Derrer)	2	2	
Inspector (Ricky Davis)	1	1	
Building and Plumbing Inspector (Joe Shifflett)	1	1	
Inspector (Vacant)	1	0	1
Building Inspector (Vacant)	1	0	1
Plumbing Inspector (Vacant)	1	0	1
<u>LAND DEVELOPMENT REVIEW</u>			
Development Review Manager (John Meck)	1	1	
<u>PLANNING – SHORT- AND LONG-RANGE</u>			
Director of Planning (Rhonda Cooper)	1	1	
Planner (James May)	1	1	
<u>ZONING CODE ENFORCEMENT</u>			
Zoning Administrator (Diana Stultz)	1	1	
Deputy Zoning Administrator (Diane Lepkowski)	1	1	
Zoning Technician (Kelly Getz)	1	1	
<u>GEOGRAPHIC INFORMATION SYSTEMS</u>			
GIS Coordinator (Vacant)	1	0	1
GIS Technician (Doug Sexton)	1	1	
GIS Specialist (Mark Rathke)	1	1	
Addressing Technician (Vacant)	1	0	1
<u>ENVIRONMENTAL SERVICES</u>			
Stormwater Management Program Administrator (Casey Armstrong)	1	1	
Erosion/Sediment Control Administrator (Tiffany Severs)	1	1	
Erosion/Sediment Control Inspector (Vacant)	1	0	1
<u>ECONOMIC DEVELOPMENT/TOURISM</u>			
Economic Development & Tourism Specialist (Cari Orebaugh)	1	1	
TOTAL	32	21½	10½

2. DEVELOPMENT ACTIVITY REPORT (John)

The January 2013 report is provided in *Attachment 1*.

3. HARRISONBURG-ROCKINGHAM SESQUICENTENNIAL COMMITTEE (Cari)

Serving as Co-Chair of the Harrisonburg-Rockingham Sesquicentennial Committee, staff recently led a meeting with local and regional Civil War partners. The Committee discussed and finalized nearly 10 Sesquicentennial Events scheduled for 2013. The Committee also discussed events for next year, which would commemorate the 1864 "Burning of the Valley." Staff will continue working with partners and the Shenandoah Valley Battlefields Foundation (SVBF) to solidify and market events for the remainder of the Sesquicentennial. One avenue in which the County is doing so is by participating in a SVBF coordinated Co-Op Ad in *Guide to Virginia's Civil War*. This publication is published three times a year (early February, Memorial Day and Labor Day) and is available free at most local-regional visitor centers in Virginia, Civil War sites and National Parks. The Committee plans to meet again in October.

4. JMU INAGURATION STEERING COMMITTEE (Cari)

For the last several months, staff has been working with the JMU Inauguration Steering and Community Committees to coordinate events and encourage local business support throughout Inauguration Week for JMU's sixth president, Mr. Jonathan R. Alger. Inauguration Week begins on Monday, March 11th, and continues through Saturday, March 16th. Local businesses who are offering special discounts and promotions throughout the week include: Solace Studios Fine Handcrafts, CrossKeys Vineyards, White Oak Lavender Farm, Bluestone Vineyard, Old Hill Cider and Grand Caverns. More information on events occurring during Inauguration Week as well as detailed local promotions can be found here: <http://www.jmu.edu/inauguration/index.shtml>.

5. ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Rhonda)

The next meeting of the RBAC will be on Thursday, March 21. At its January 17 meeting, the members drafted written public comment on the proposed Southeast Connector, and recommended the Board approve the Scope of Work for a possible Countywide Bicycle and Pedestrian Plan. Later this month, the committee will be submitting a League of American Bicyclists' Bicycle Friendly Community application. The application includes an inventory of local efforts to improve bicycle and pedestrian accommodations. The League will critique this information and recommend ways to further improve these accommodations.

6. ZONING ORDINANCE REVISION & UPDATE (Rhonda)

Staff will have a codified draft of the Zoning Ordinance ready for review in early March.

7. NORTH VALLEY PIKE CORRIDOR STRATEGIC PLAN (Rhonda)

The Board tabled the North Valley Pike Corridor Strategic Plan (NVP Plan) on December 15, 2010. Staff awaits direction regarding how the Board wishes to proceed. The website for the North Valley Pike Corridor Study and the draft plan is www.northvalleypikeplan.org.

8. MPO SOUTH REGIONAL CORRIDOR STUDY (Rhonda)

The final draft of the MPO Route 11 South Regional Study was presented to the Policy Board at its June 21st meeting. The Policy Board tabled the Study and requested a formal presentation of its contents in September.

The consultants presented the MPO Policy Board with the final draft on March 15, which was followed by a Policy Board comment period. The consultant team is comprised of Volkert & Associates, Sympoetica, and Nexus Infrastructure. The consultant's work is at www.hrvampo.org. The study encompasses part of the County; City; and the Towns of Dayton, Bridgewater, and Mt. Crawford; from Port Republic Road (City) to Dinkel Avenue and from Interstate 81 to Route 42.

9. VOLUNTARY CONSERVATION EASEMENT PROGRAM (VCEP) (Rhonda)

On May 19, 2010, Billy Kyger met with Community Development staff to review the Voluntary Conservation Easement Program (VCEP) Task Force's draft VCEP ordinance revisions and its summary of TDR Program considerations and recommendations. Mr. Kyger recommended the draft VCEP ordinance include a public review process that mirrors the rezoning and special use process and that ranking criteria should set the bar high and should be included in the draft ordinance. Mr. Kyger advised staff to wait until after Chesapeake Bay TMDL regulations were finalized and Frederick County had had time to implement and evaluate its TDR Program to move forward with the draft VCEP ordinance.

Regarding TMDL regulations, Virginia's WIP II was submitted to EPA by the March 30, 2012, deadline. Phase I Watershed Implementation Plan I (WIP I) was in place on November 29, 2010, which was accepted by Virginia on December 31, 2010. The local Phase II Watershed Implementation Plan (WIP II) was in place on February 1, 2012.

Mike Ruddy, Frederick County's Deputy Director of Planning and Development, said Frederick County's TDR Program has not been used. However, it has been well-supported by its citizens and a couple of landowners may be using the program soon. One is a local developer, who owns land in a rural sending area and in an urban receiving area. Mr. Ruddy stated that Frederick County does not have any transfers to date largely because of the downturn in the economy.

If the Board wishes, staff will reconvene the Task Force to revise the draft VCEP ordinance to include ranking criteria and a public review process.

Background:

- April 8, 2009- Board of Supervisors held work session with Voluntary Conservation Easement Program (VCEP) Task Force to discuss Draft Voluntary Conservation Easement Ordinance.
- February 10, 2010- Board sent draft VCEP ordinance back to Task Force for recommendations.
- March 9, 2010- Community Development staff met with the Task Force to make minor revisions to the draft VCEP ordinance and to discuss the pros and cons of a Transfer of Development Rights Program and its possible application to Rockingham County. A summary of the Task Force's considerations and recommendations was provided to the Board and is attached.

SUP-272, Granville E. & Debra Bare, 13518 Bares Auto Drive, Fulks Run 22830 for mini storage on property located on the north side of Brocks Gap Road (Route 259) approximately 230' west of Little Dry River Road (Route 818); Election District #1; Tax Map #36-(A)-196; Zoned RS-1. Property address: 14435 Nash Hill Lane

SUP-276, Carol K Keller, 1181 Mt. Torrey Road, Lyndhurst 22952 for a small contractor's business (office & warehouse) on property located on the southeast side of Wengers Mill Road (Route 753) and Mt. Zion Road (Route 781); Election District #2; Tax Map #63-(A)-111; Zoned A2; Property Address: 10452 Mt. Zion Road.

SUP-301, Jeffrey A. Lucartorto, 10306 Dairy Road, McGaheysville, 22840 for a 50' x 1400' private landing strip and hangar on property located on the south side of Dairy Road (Route 650) approximately 6/10 mile west of Three Springs Road (Route 652); Election District #5; Zoned A-1; Tax Map #141-(A)-80.

Rezoning - None

Ordinance Amendments - None

13. PRIORITY PROJECTS CURRENTLY UNDERWAY (Billy)

Projects	Lead Person	Status	Target Date
North Valley Pike Corridor Strategic Plan	Rhonda	Board tabled on December 15, 2010.	
Zoning Ordinance Review and Update	Staff	Staff will present a draft in early March 2013.	2 nd quarter 2013
Voluntary Conservation Easement Program	Rhonda	Waiting for Frederick County TDR program to begin processing transfers and direction from the Board	
Rockingham Bicycle Advisory Committee (RBAC)	Rhonda	Next RBAC meeting is Mar 21.	Ongoing
Home Occupation Regulations Revisions	Diana	Under review	
Home Business Ordinance	Diana	Under review	
Non-conforming Structures and Uses Revisions	Diana	Draft amendments under review by County Attorney	
IV@R Marketing Strategy	Billy, John, & Cari	Plan implementation by staff	Complete
Home Occupation Recertification's	Diana	148 recertification letters were mailed on January 2, 2013. To date, 74 have been recertified and 36 are out of business. 2 nd notices were sent on February 4.	1 st qtr. 2013

Ongoing Review/Tasks	Lead Person	Status
Deed Review	Diane	18 deeds in process as of 2/5/13; 5 pending review, 13 awaiting revisions
Violations	Kelly	46 active complaints, 12 cases pending legal action as of 2/4/13.
Site Plans & Subdivision Plats	John	2 site plans & 1 subdivision plat, as of 2/5/12
Subdivision Ordinance Variances	Diana	0 requests under review, as of 2/4/13
Zoning Ordinance Variances	Diana	0 requests under review, as of 2/4/13
Home Occupation Permits	Diana	1 permit request under review, as of 2/4/13
Special Use Permits	Diana	4 permit requests under review, as of 2/4/13
Rezoning	Rhonda	1 rezoning request under review, as of 2/4/13
Comprehensive Plan Amendment	Rhonda	0 requests under review, as of 2/4/13
Permits Processed	John	110 total permits for month of January
Building Inspections	Steve	845 inspections conducted during December 2012 (averaged 42.25/day)
Building Plans	Steve	7 plans under review, as of 2/1/13

14. TABLED REQUESTS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2009	Feb 11	SUP-07	Dove, Charles William	Residence involving non-family division	2
2010	Feb 24	SUP-28	Carrizo (Marcellus), LLC	Gas well drilling	1

REZONING REQUEST(S) and PLAN(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2010	Nov 17	REZ-97	Wayne Good	To rezone 1 acre from A2 (General Agricultural) to M1 (General Industrial) for a trucking business.	3
2010	Dec 15	NA	North Valley Pike Corridor Strategic Plan	Endorsement of Corridor Strategic Plan for North Valley Pike area from Gravels Road to Vine Street and I-81 to Kratzer Road.	2

**DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Activity Report - January 2013**

	Permits Issued					Fees Collected				
	Jan-13	Jan-12	One Year Change	Jan-Jan 2013	Jan-Jan 2012	Jan-13	Jan-12	One Year Change	Jan-Jan 2013	Jan-Jan 2012
Building										
Commercial/Industrial	9	9	0.0 %	9	9	\$ 1,684.98	\$ 4,676.45	-64.0 %	\$ 1,684.98	\$ 4,676.45
Manufactured	3	5	-40.0 %	3	5	\$ 287.84	\$ 530.81	-45.8 %	\$ 287.84	\$ 530.81
Single Family	18	27	-33.3 %	18	27	\$ 16,053.33	\$ 21,330.28	-24.7 %	\$ 16,053.33	\$ 21,330.28
Subtotal	30	41		30	41	\$ 18,026.15	\$ 26,537.54		\$ 18,026.15	\$ 26,537.54
Plumbing										
	1	0	0.0 %	1	0	\$ 51.02	\$ 0.00	0.0 %	\$ 51.02	\$ 0.00
Subtotal	1	0		1	0	\$ 51.02	\$ 0.00		\$ 51.02	\$ 0.00
Electrical										
	30	23	30.4 %	30	23	\$ 1,588.14	\$ 1,303.87	21.8 %	\$ 1,588.14	\$ 1,303.87
Subtotal	30	23		30	23	\$ 1,588.14	\$ 1,303.87		\$ 1,588.14	\$ 1,303.87
Mechanical										
	8	10	-20.0 %	8	10	\$ 484.50	\$ 1,105.48	-56.2 %	\$ 484.50	\$ 1,105.48
Subtotal	8	10		8	10	\$ 484.50	\$ 1,105.48		\$ 484.50	\$ 1,105.48
Other										
	38	43	-11.6 %	38	43	\$ 8,415.96	\$ 7,543.56	11.6 %	\$ 8,415.96	\$ 7,543.56
Subtotal	38	43		38	43	\$ 8,415.96	\$ 7,543.56		\$ 8,415.96	\$ 7,543.56
Land Use Related										
Erosion and Sediment Permit:	3	2	50.0 %	3	2	\$ 3,250.00	\$ 2,500.00	30.0 %	\$ 3,250.00	\$ 2,500.00
Subtotal	3	2		3	2	\$ 3,250.00	\$ 2,500.00		\$ 3,250.00	\$ 2,500.00
Total	110	119		110	119	\$ 31,815.77	\$ 38,990.45		\$ 31,815.77	\$ 38,990.45

1. PERSONNEL

All positions are filled.

2. PROJECTS

- A. The Project Kickoff Meeting for the migration to the Munis ASP solution is February 28, 2013.
- B. Staff has begun moving the Symantec Evault data and the AppAssure Backup data to the new DotHill SANs and Cisco UCS Servers. We have also begun to migrate to the latest version of the AppAssure platform.
- C. Staff is also trying to find a way to connect the Plains District Community Center and enable them to access RecTrac remotely.
- D. Staff is beginning to work with the Timmons Group on the GIS Needs and Growth Assessment.
- E. We will begin the installation and migration to Exchange 2010 on a new server the week of February 11, 2013. Staff intends to migrate the data by department to ensure the least loss of data, and a seamless transition. Staff is attending training the week of February 4th to prepare for this upgrade.
- F. Staff is waiting for wiring to be complete in the Circuit Courthouse in order to begin scheduling for the new Courtroom reporting system in the Circuit Courthouse.
- G. Staff upgraded the computer at the Landfill to enable connection to the new scale. We are in the process of evaluating the technical needs of staff there as well.
- H. We are exploring the costs of upgrading the County's internet connection. In the process, we may be able to solve the connectivity issues between Social Services and the State systems.
- I. Staff is beginning to plan an implementation of a County intranet, utilizing the CivicPlus portal.
- J. Staff is coordinating the completion of the installation of kiosks for the cashiering system for inmates throughout the jail. This will allow for much more efficient access to inmate funds and transactions. The kiosks are limited to only allow access to this system.
- K. We are working with Social Services and VITA to establish public access kiosks in the lobby at the Human Services building. Limiting access to the CommonHelp site has become a stumbling block for this process.
- L. Staff has is working on changes for more efficient processing of Personal Property taxes and assisting in any changes and reports needed for Reassessment.

Respectfully submitted,

Terri M. Perry
Director of Technology

1. Personnel

A. All positions are filled at this time. We have 1 employee on light duty do to arm injury, for an extended period of time out of station.

2. Emergency Response Incidents per Area:

A. Fire Agencies:

1. Bergton - 10
2. Bridgewater - 86
3. Broadway - 98
4. Clover Hill - 46
5. Elkton - 102
6. Grottoes -48
7. Hose Company Number 4 Rock Street Station - 118
8. Hose Company Number 4 Port Road Station -74
9. McGaheysville - 71
10. Singers Glen - 16
11. Timberville – 48

B. Rescue Agencies:

1. Bergton – 10
2. Bridgewater – 83
3. Broadway – 179
4. Clover Hill – 45
5. Elkton – 126
6. Elkton (McGaheysville) – 89
7. Grottoes – 76
8. Singers Glen – 28

C. Totals for County Response:

1. 717 Responses for Fire Departments
2. 636 Responses for Rescue Departments
3. 110 No Responses from First Due Agency

D. Significant Incidents:

1. 1 house fire in the Dayton area with significant damage
2. Several Chimney Fires throughout Rockingham County no Significant Damage

3. Prevention Division Activities: Capt. Mike Armstrong and Lt. Joe Mullens

A. Plan Review

1. Site Plan - 3
2. Building - 0
3. Rezoning - 1
4. Fire Protection - 0
5. Fire Alarm - 0
6. Special Use - 1
7. Sprinkler - 0
8. Mechanical - 0
9. Hazardous Materials - 0
10. Hood Suppression - 0
11. Emergency Evacuation - 0
12. Special Entertainment - 0

B. Consultation

1. Fire Protection - 0
2. Building - 0
3. Site - 0
4. Fireworks - 0
5. Permit - 0

C. Inspection

1. Bon Fire - 0
2. Daycare - 0
3. Assisted Living - 0
4. Nursing - 0
5. Safe School Audit - 1
6. Hood Suppression - 0
7. Sprinkler
 - A. Hydrostatic - 0
 - B. Final Acceptance - 3
 - C. Underground Flush - 1
 - D. Underground Hydrostatic - 0
8. Fire Alarm Acceptance - 2
9. Land Division - 0
10. Dry Hydrant Acceptance - 0
11. Re-Inspection - 13
12. Certificate of Occupancy - 9
13. Fire Code - 5
14. Fire Works
 - A. Display - 1
 - B. Sales - 0
15. Tent - 0

D. Fire Related Incidents

1. Structure Fires
 - A. Accidental - 3
 - B. Incendiary - 0
 - C. Undetermined - 0
 - D. Under Investigation - 0

2. Vehicle Fires
 - A. Accidental - 1
 - B. Incendiary - 0
 - C. Undetermined - 0

3. Open Burning
 - A. Authorized - 0
 - B. Unauthorized
 1. Notice of Violation – 3
 2. Summons - 0

- 4. Bomb Threats - 6**

5. Fireworks Violations - 0

6. Fire Lane
 - A. Tickets Issued - 1
 - B. Warnings Issued - 1

7. Explosives - 2

E. Permits Issued

1. Open Burning – 220

2. Fireworks
 - A. Sales - 0
 - B. Display - 0

3. Explosives
 - A. Storage - 0
 - B. Use - 0

4. Bon Fire – 0

F. Plan Review Exceeding 14 Day Reaction Time

1. RMH Women's Health-alarm
2. Hopkins Site Plan
3. Miller Coors Sprinkler
4. SRI Chemical Storage
5. The Reserve at stone port

E. Inspections Not Completed/Rescheduled

1. Turner Ashby High (Moved due to Incidents & Bomb Threat)
2. C.O. Inspection at El Charro (Cancelled & Moved due to Incidents)
3. C.O. Inspection at Interchange CPad #3 (Cancelled & Moved due to Incidents)
4. John Wayland Elem (Due to Incident PPW/Bomb Threat)
5. Cub Run Elem (Due to Higher Priority Inspection)
6. South River Elem (Re-inspection due to Jan-Not completed)
7. Deal's for Less (Re-inspection due in Dec-Not completed-No contact with property owner)
8. Elkton Area United Service (Re-inspection due in Dec-Not completed-No contact with property owner)
9. Montevideo Middle (Re-inspection due to Dec-Not completed)
10. Generations Crossing (Re-inspection due to Jan-Not completed)
11. Mountain View Elem (Re-inspection due to Jan-Not completed)
12. Seventeen NOV letters pending

The office expended more than a third (approaching 50%) of its available man hours on dealing with the initial response and the resulting investigations in relation to the school bomb threats. ALL cases have been cleared with arrest and are pending prosecution in the JDR court.

4. Public Education: Lieutenant Karen Will

A. Classes Taught:

1. Bridgewater Home In-Service program for 26 employees-general safety & fire extinguisher training.
2. SRI-Fire extinguisher training plus simple EMS information-26 employees.
3. Eureka Lodge 195 Bridgewater-Simple fire safety presentation, @25 people.
4. Pleasant Valley elementary-4 days, fire safety programs with PK, K & Special needs classes. Did total of 16 programs during week at Pleasant Valley, 62 children.

B. Other Activities:

1. Health fair-McGaheysville elementary school-evening event.
2. Normal Haz-mat duty
3. Attended monthly EMS training for Admin staff, CPR.
4. Attended two days of Officer training at RCFR.
5. Attended local TRIAD meeting. Preparing for upcoming March county meeting.
6. Attended FM training (juvenile subject matter).Morning session.
7. Used three days of holiday returns.
8. Able to attend one staff meeting this month.

9. Completed paperwork for two students participating in our juvenile firesetter program, sent to courts.
10. Registered for upcoming conference in Williamsburg. Covering myself.
11. Attended State Fire & Life Safety coalition meeting in Richmond. 14 People in attendance.
12. Ordered some public education supplies.
13. Gathered prices for two retractable banners from Muddy Feet, need to get with them on design of signs soon.
14. Re-organized library and public education supplies in room.
15. Used as role player for Captains training scenarios.
16. Processed 2 alarm applications in January with 3 alarms being installed. Currently 5 old applications are still outstanding.
17. Completed paperwork for upcoming EM class in Texas in March.

C. Unable to Attend:

1. Safe Kids coalition meeting
2. Montevideo Middle school-Program with special needs students postponed due to weather.

D. Station Staff Reported Public Education Activities:

1. 2 stations installed alarms in County.
2. D. Lough assisted with 1 days programs at Pleasant Valley elementary.

5. Training Division: Captain Joe Morris/Lt. Steve Powell/Lt. Bryan Smith/Lt. Jolene Powell

A. Continued Education Training Provided

1. EMS training for the month was CPR recert and Skills.
2. Fire training for the month was stabilization/cribbing.
3. Hazmat training for the month was PID meter.
4. Singers Glenn Fire Department EMS CE's.

B. Certification Training Provided

1. MTC Fire/Rescue class continued with 15 first year and 9 second year.
2. Continued EMT Enhanced class with 17 student's class ends in Feb. 5th. (Mon and Wed Nights).
3. Started Fire Academy (FFI, FFII, Hazmat Ops, CPR/First Aid) Jan. 5th with 30 students.

C. Other Activities

1. Ran duty officer for week of 1/7-13/13.
2. Calibrated CO and 4 Gas Meters county wide 1/6/13.
3. Tested public access AED at all Rockingham Public Schools that have them.

D. Meetings and Training

1. Lt. J. Powell MTC attended Mentor meeting, staff meeting, and continued CTE training for teaching certificate.
2. MTC Fire and Rescue program will be sending 6 students to the State Skills USA Competition.
3. Held Hazmat team drill planning meeting held on 1/9/13 and 1/24/13.
4. Went to Harris radio meeting 1/29/13 about new platform and radios.
5. Conducted RCFR Officer training for 16 hours to meet ISO requirements.
6. Met with Nancy Burrows, OEMS 1/29/13.
7. Attended Fallen Firefighter Memorial Committee meeting in Richmond 1/10/13.

E. Additional Information:

1. Attended 2 Safety Taskforce meetings with Schools
2. Worked with Volunteer Agencies with budget request
3. Met with Augusta County concerning staffing in Grottoes

Respectfully submitted by,

Chief Jeremy C. Holloway

1. PERSONNEL

A. Recreation: **All positions are filled**

2. RECREATION

A. Recreation:

1. Recreation Commission met on January 24 at 6:00p.m. They reviewed football bylaws, late fee increases, program fee increases, and began reviewing code of conduct, the background check policy, and committee assignments were made. The next meeting is February 28th at 6:30pm.
2. Kathy has been meeting with the School Safety committee.
3. The brochure went out to the Daily News Record on January 5th and since it has come out we have had over 280 participants register for our winter classes so far.
4. Recreation Programs Month of January
 - Boys Basketball 477 registered
 - Handgun Safety, 30 registered
 - Yoga at PDCC, 3 registered
 - Zumba at JWES, 7 registered
 - Clogging, 9 registered
 - Beginning Guitar, 10 registered
 - Financial Life Map, 5 registered
 - Snow Tubing, 3 registered
 - Afterschool, 340 registered
 - You Made It Pottery, 13 registered
 - Zumba at Ottobine, 16 registered
 - Zumba at Montevideo 10, registered
 - Singers Glen facility rentals, 8
 - Bergton facility rentals, 10
 - Plains District Community Center,
 - Paying Rentals 41
 - Non-paying Use 52
5. Special Events for the month of December were:
 - Hoop Shoot 39 participants.
6. In cooperation with Fire and Rescue we are offering CPR and First Aid training to our office staff, after school staff, facility supervisors and league referees.
7. Several athletic staff will be attending a program offered by JMU "Motivating Athletes Through Positive Coaching." This is a free seminar and we have offered it to our coaches.
8. RCRD will be contracting with JMU for soccer league referees beginning this spring.

Committee Recommendation:

Zoning Appeals Board - District 2 (Recommendation to Circuit Court)

Henry L. Lilly
2214 Mt. Clinton Pike
Harrisonburg, VA 22802

(540) 434-2912



AGENDA ITEM 3C

ROCKINGHAM COUNTY

JAN 17 2013

VIRGINIA

January 15, 2013

Mr. Joseph Paxton
Rockingham County Administrator
20 East Gay Street
Harrisonburg, VA 22801

Dear Joe:

Our records indicate that on June 30, 2013, Ms. Jean Gearing will complete her second four-year term on the Blue Ridge Community College Local Board. Regretfully, Ms. Gearing is not eligible for reappointment.

Ms. Gearing is an excellent representative from Rockingham County. She has served the board in many capacities and has been an active board member and an advocate for Blue Ridge Community College.

I look forward to the appointment of a well qualified representative from Rockingham County. If I can provide any additional information to you, please let me know.

Sincerely,

John A. Downey
Dr. John A. Downey
President

JAD/kej
cc: Ms. Jean Gearing

*Joe -
I understand Matt Sunderlin has
expressed ~~an~~ interest in serving. He served
previously on our Foundation board and knows
the college well. Let me know if you
need anything from me in advance of the
Board of Supervisors Taking action on this
vacancy. Thanks!
John*

CLARK & BRADSHAW, P. C.
ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
P. O. BOX 71
HARRISONBURG, VIRGINIA 22803-0071
TELEPHONE (540) 433-2601
FACSIMILE (540) 433-5528

HENRY C. CLARK
M. STEVEN WEAVER
MARK B. CALLAHAN
TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
DAVID C. NAHM

ROCKINGHAM COUNTY

JAN 16 2013

VIRGINIA

V. STEPHEN BRADSHAW
RETIRED

ELLEN H. BRODERSEN, C.P.A.
AMY L. RUSH, C.P.A.
(NOT ATTORNEYS)

January 14, 2013

Mr. Joseph S. Paxton, County Administrator
Rockingham County Government Center
20 East Gay Street
Harrisonburg, VA 22802

RE: Blue Ridge Community College Local Board

Dear Joe:

I am writing this letter to ask you to request the Rockingham County Board of Supervisors to appoint me to the Blue Ridge Community College Local Board.

I am enclosing my CV for your information and review.

I served on the Blue Ridge Community College Educational Foundation Board for six (6) years and I have a continuing interest in the success of the college. I would sincerely like to have the opportunity to sit on the Local Board.

Thank you for your assistance in my request.

Very truly yours,



Matthew C. Sunderlin
sunderlin@clark-bradshaw.com

MCS/rrm

Enclosure

cc: Dr. John Downey, President, BRCC – via email only

NOTICE OF PUBLIC HEARING
ROCKINGHAM COUNTY BOARD OF SUPERVISORS

At the regular meeting of the Rockingham County Board of Supervisors on **Wednesday, February 13, 2013, at 6:00 P.M.**, in the Board of Supervisors Meeting Room of the Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, Virginia, a public hearing will be held to receive comments on the following.

SPECIAL USE PERMITS

SUP-272, Granville E. & Debra Bare, 13518 Bares Auto Drive, Fulks Run 22830 for mini storage on property located on the north side of Brocks Gap Road (Route 259) approximately 230' west of Little Dry River Road (Route 818); Election District #1; Tax Map #36-(A)-196; Zoned RS-1. Property address: 14435 Nash Hill Lane

SUP-276, Caroll Keller, 1181 Mt. Torrey Road, Lyndhurst 22952 for a small contractor's business (office & warehouse) on property located on the southeast side of Wengers Mill Road (Route 753) and Mt. Zion Road (Route 781); Election District #2; Tax Map #63-(A)-111; Zoned A2; Property Address: 10452 Mt. Zion Road.

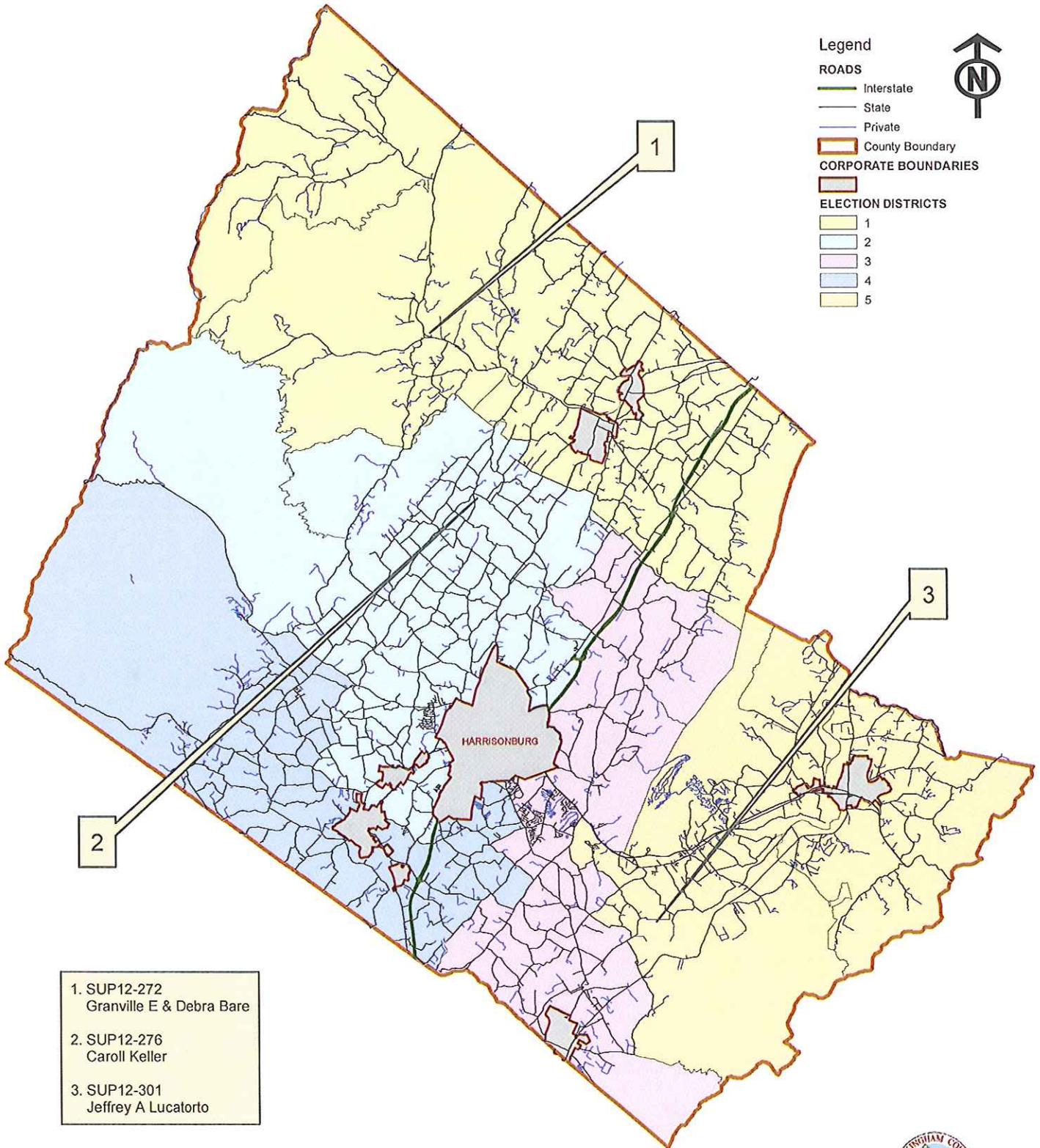
SUP-301, Jeffrey A. Lucatorto, 10306 Dairy Road, McGaheysville, 22840 for a 50' x 1400' private landing strip and hangar on property located on the south side of Dairy Road (Route 650) approximately 6/10 mile west of Three Springs Road (Route 652); Election District #5; Zoned A-1; Tax Map #141-(A)-80.

The above items and a copy of the full text of any ordinances advertised above may be obtained in the office of Community Development, Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, Virginia. Phone: (540) 564-3032.

Brenda: Please run this ad in the Classifieds using standard border on:

Wednesday, January 30, 2013
Wednesday, February 6, 2013

February 13, 2013 Special Use Permits





Community Development Special Use Permit Report SUP12-272

Meeting Date: FEBRUARY 13, 2013

Applicant	GRANVILLE E. & DEBRA BARE
Mailing Address	13518 BARES AUTO DRIVE, FULKS RUN 22830
Property Address	1435 NASH HILL ROAD, FULKS RUN 22830
Phone #/Contact	830-1983/GENE BARE
Tax Map Id	36-(A)-196
Zoning	RS-1
Requested Use	MINI-STORAGE
Location	N SIDE OF BROCKS GAP ROAD (ROUTE 259) APPROXIMATELY 230' WEST OF LITTLE DRY RIVER ROAD (ROUTE 818)
Acreage in parcel	1.879
Acreage in request	1.311
Election District	1
Comprehensive Plan	AGRICULTURAL RESERVE

Board of Supervisors

PLACING CONDITIONS ON THE REQUEST IS NEITHER A RECOMMENDATION FOR APPROVAL OR FOR DENIAL. IT IS SIMPLY STATING THAT IF APPROVED, THESE ARE THE MINIMUM CONDITIONS THAT SHOULD BE PLACED ON THE PERMIT. IF APPROVED, THE BOARD OF SUPERVISORS MAY CHANGE THESE CONDITIONS OR ADD NEW CONDITIONS AS DEEMED NECESSARY.

If the request is approved by the Board, as a minimum the following conditions should apply:

1. Use shall be in substantial accordance to plot plan submitted with the application.
2. Buildings shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
3. A commercial entrance permit shall be obtained from VDOT's Residency Office, and a copy of the entrance permit shall be submitted to the Community Development Department prior to obtaining building permits.
4. The entrance shall be completed prior to a certificate of occupancy being issued by the County.
5. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
6. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
7. There shall be no off-premise signs permitted unless all County and State regulations are met.
8. Parking shall comply with the Rockingham County Code.
9. All requirements of Section 17-146 regarding mini-storage shall be met and shall be shown on the site plan.
10. The permit is contingent upon the applicant meeting Fire Flow Calculations as required by Emergency

Services.

11. This permit is contingent upon the applicant obtaining a VDOT Access Management Exception for reduction in spacing standards from Nash Hill Lane.
12. 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.

GENERAL INFORMATION

SUBMISSION JUSTIFICATION:

Section 17-31(ao) allows for special use permit application for mini-storage facilities in the RS-1 zoning district.

BACKGROUND

This property previously housed Gene Estep Oil. The Bares purchased the property in 2012. They previously applied to rezone the property to commercial, but withdrew that application. They are now applying for a special use permit.

EXISTING SPECIAL CONDITIONS:

None

Adjoining Properties and Special Uses

Direction From Site	Zoning	Request	Decision
North	A-2	None	
East	A-2	None	
	RS-1	None	
South	RS-1	None	
West	RS-1	None	

COMPREHENSIVE PLAN

The Comprehensive Plan shows this property in agricultural reserve

ZONING AND EXISTING LAND USE

Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	A-2	Pasture, wooded
East	A-2 RS-1	Home site Home site
South	RS-1	Home site
West	RS-1	Pasture

STAFF AND AGENCY ANALYSIS

UTILITIES

Health Department

The Health Department issued a permit for an alternative discharging sewage treatment system for a three bedroom home on the property. No sewage disposal system was permitted for the mini-storage units. The Health Department assumes that the business does not require an employee on-site.

ENVIRONMENTAL

NRCS - Soils

According to soil studies, the primary soil on the subject property is Allegheny fine sandy loam with low shrink-swell potential.

Zoning Administrator - Floodplain

According to FEMA maps, this property is not located within the 100-year floodplain.

PUBLIC FACILITIES

Emergency Services

The property is in the response area of the Broadway Fire Department located 8 miles from the site and the Broadway Emergency Squad located 8.5 miles from the site.

Emergency Services has no concern providing the Fire Flow Calculations for the storage units do not require any additional provisions for water on or near the site.

Building Official

Permits as required, and compliance with the Uniform Statewide Building Code.

TRANSPORTATION

VDOT – Road Conditions

This site will require a standard commercial entrance. This proposed entrance does not meet VDOT Access Management spacing standards with Nash Hill Lane. A VDOT Access Management Exception Request will be required for a reduction in spacing standards.

VDOT – Traffic Impact Analysis

N/A

SUMMARY

Considerations

1. This request is for mini-storage facilities in the RS-1 zoning district.
2. There are no businesses on any of the immediately adjoining properties. There are some businesses within close proximity to the property.
3. The proposed entrance does not meet VDOT Access Management spacing standards with Nash Hill Land. A VDOT Access Managements Exception would be required for a reduction in spacing standards. The Board may consider that the entrance location does not meet VDOT standards in determining if this is an appropriate location for this business.
4. It has not been determined if the Fire Flow can be met. Condition #10 makes this permit contingent upon fire flow calculations being met.
5. With this request, there is no request for an office or on-site employee. If applicant should determine that he wants an office or an on-site employee, additional special use permit approval may be required.
6. According to the County Code, in granting a special use permit, the Board should find the following:
 - That the use is compatible with surrounding uses,
 - Is not detrimental to the character of adjacent land,
 - Is consistent with the intent of this chapter, and
 - Is in the public interest.



COUNTY of ROCKINGHAM

Department of Community Development

William L. Vaughn
Director

AFFIDAVIT

I, Diana C. Stultz, affirm that I am the Zoning Administrator for the County of Rockingham, Virginia, and have mailed notices to the following people for

APPLICATION FOR SPECIAL USE PERMIT REQUESTED BY:

GRANVILLE E. & DEBRA BARE
13518 BARES AUTO DRIVE
FULKS RUN, VA 22830
Tax Map #36-(A)-196

FUNKHOUSER SCOTTIE G	14444 NASH HILL LN	FULKS RUN VA 22830	36-(A)- L142A
BARE SYLVIA M LIFE ESTATE	12201 BROCKS GAP RD	FULKS RUN VA 22830	36-(A)- L195
CRIDER FRANCES W	PO BOX 602	FULKS RUN VA 22830	36-(A)- L197
RITCHIE GARY L	14534 NASH HILL LN	FULKS RUN VA 22830	36-(A)- L202B
HURLEY MARK L JR & AMBER W	14480 NASH HILL LN	FULKS RUN VA 22830	36-(A)- L204
LITTEN EVELYN BOYCE	6634 FORT RUN LN	TIMBERVILLE VA 22853	25-(A)- L93

Affidavit: Diana C. Stultz

Signed and acknowledged by Diana C. Stultz in the County of Rockingham, Virginia, on the 23rd day January of 2013, in the presence of the undersigned witness.

Witness: James M. Dodrill



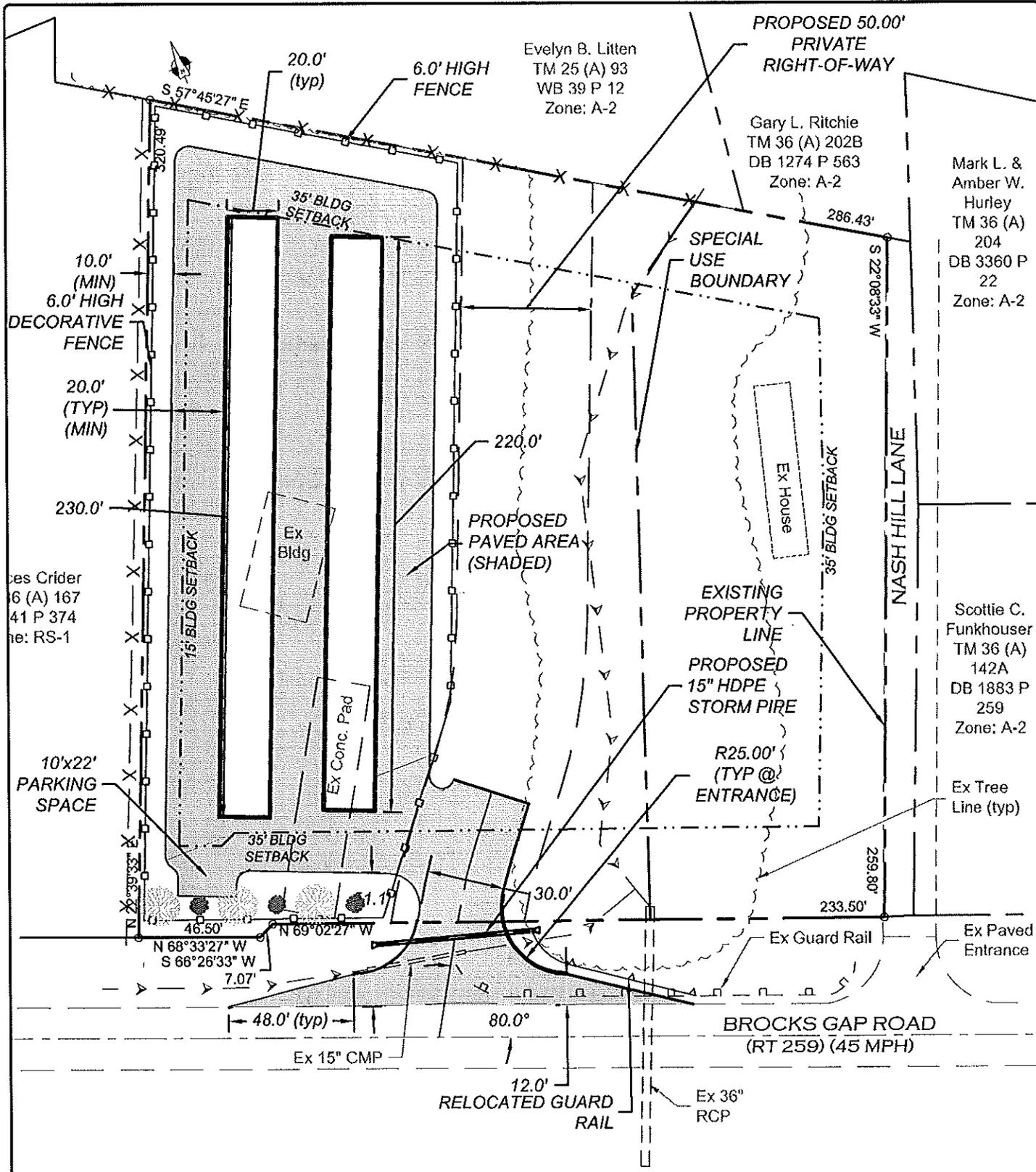
Granville E & Debra Bare Special Use Permit Request



2/13/2013

SUP#12-272



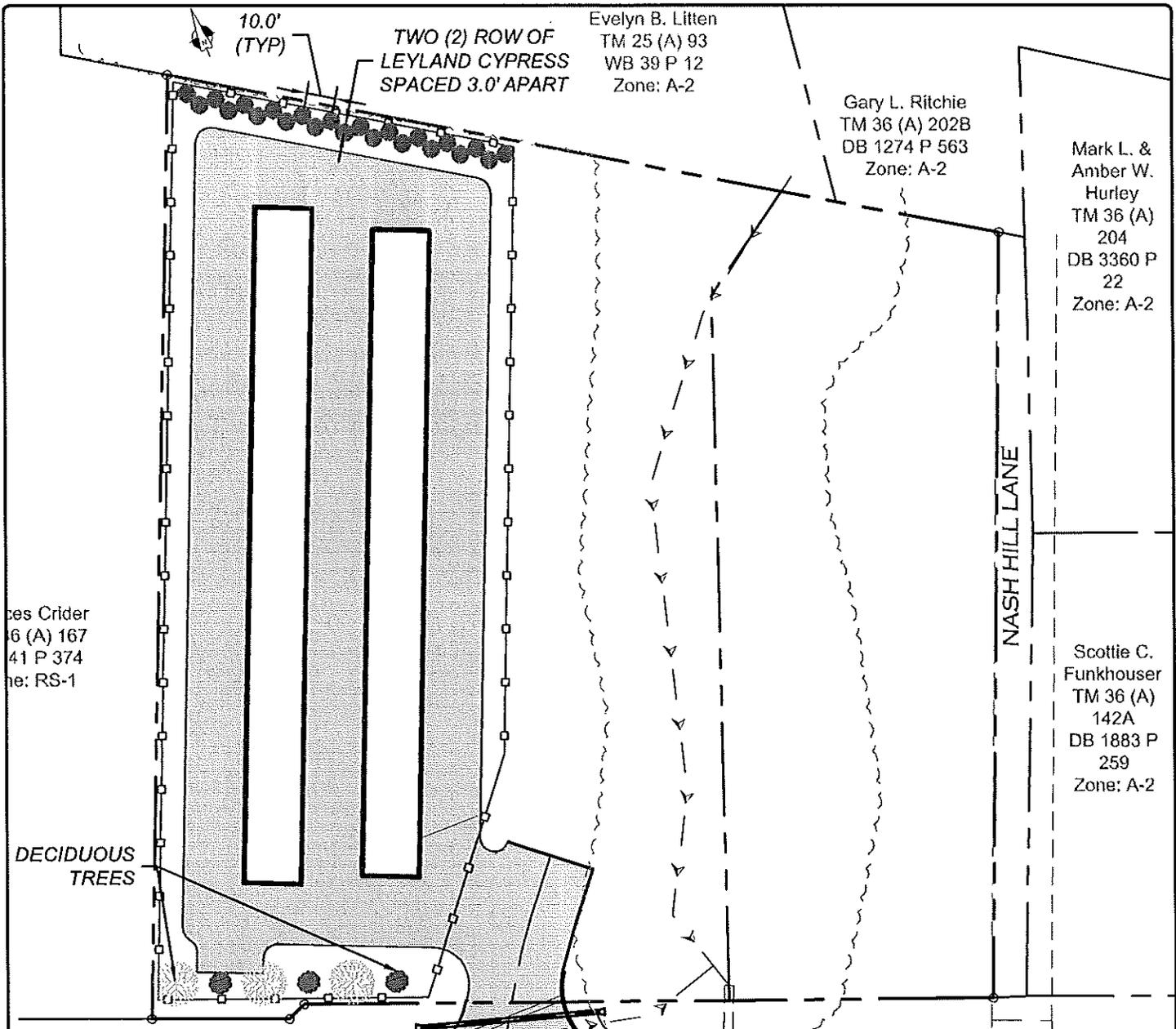


#	DATE	COMMENT
REVISIONS		

ENGINEERING SOLUTIONS
 & CONSTRUCTION MANAGEMENT, PLC
 1010 NORTH MAIN STREET
 HARRISONBURG, VA 22802
 P: 540.442.8787
 F: 540.442.9090

PLAN OF DEVELOPMENT
 SCALE: 1" = 50'
BARE MINI-STORAGE
 14435 NASH HILL ROAD
 FULKS RUN, VA 22830
 SCALE: AS NOTED
 10.25.12

1 of 1
 0 50
 SCALE: 1" = 50'



LANDSCAPING SCHEDULE
TREES

SYMBOL	QUANTITY	COMMON NAME LATIN NAME	SIZE	REMARKS
	38	LEYLAND CYPRESS <i>Cupressocyparis leylandi</i>	3" CAL.	B & B MULCH INDIVIDUALLY
	3	RED MAPLE - AUTUMN MAPLE <i>Acer rubrum 'Autumn flame'</i>	2 1/2" CAL.	B & B MULCH INDIVIDUALLY, 3 STAKES
	3	EASTERN REDBUD <i>Cercis canadensis</i>	1 3/4" CAL.	B & B MULCH INDIVIDUALLY, 2 STAKES

#	DATE	COMMENT
REVISIONS		

ENGINEERING SOLUTIONS

 1010 NORTH MAIN STREET
 HARRISONBURG, VA 22802
 P: 540.442.8787
 F: 540.442.9090

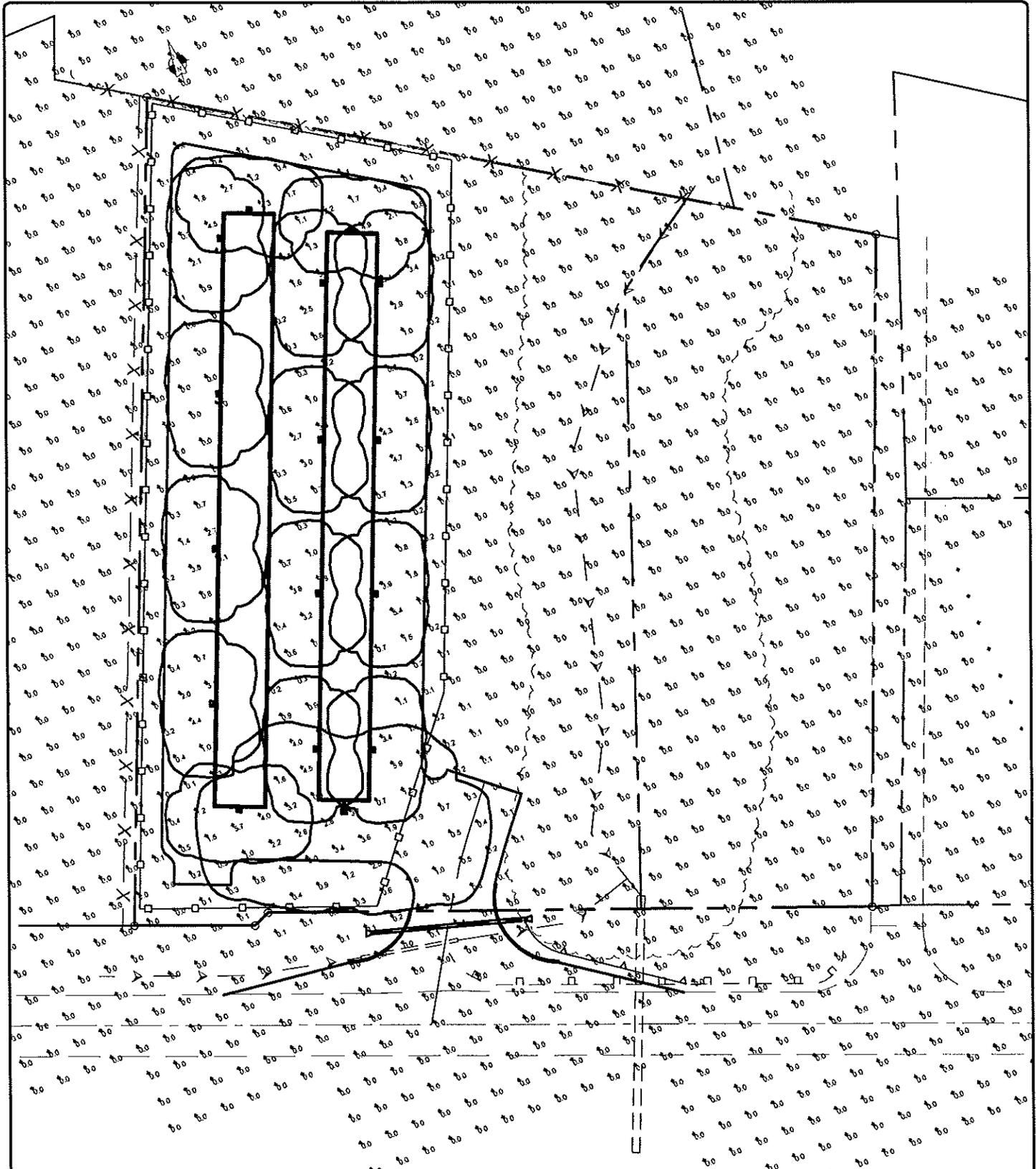
LANDSCAPING PLAN
 SCALE: 1" = 50'

BARE MINI-STORAGE
 14435 NASH HILL ROAD
 FULKS RUN, VA 22830
 SCALE: AS NOTED
 10.25.12

1 of 1

0 50


 SCALE: 1" = 50'



#	DATE	COMMENT
REVISIONS		

ENGINEERING
SOLUTIONS

CONSTRUCTION
MANAGEMENT, PLC

1010 NORTH MAIN STREET
HARRISONBURG, VA 22802
P: 540.442.8787
F: 540.442.9090

LIGHTING PLAN
SCALE: 1" = 50'

BARE MINI-STORAGE
14435 NASH HILL ROAD
FULKS RUN, VA 22830
SCALE: AS NOTED
10.25.12

1 of 1

0 50

SCALE: 1" = 50'



**Community Development
Special Use Permit Report
SUP12-276**

Meeting Date: FEBRUARY 13, 2013

Applicant	CAROLL KELLER
Mailing Address	1181 MT. TORREY ROAD, LYNDHURST 22952
Property Address	10452 MT. ZION ROAD, LINVILLE 22834
Phone #/Contact	578-4395/CAROLL KELLER
Tax Map Id	63-(A)-111
Zoning	A-2
Requested Use	SMALL CONTRACTOR'S BUSINESS (OFFICE/WAREHOUSE FOR DINK'S CONSTRUCTION)
Location	SE SIDE OF WENGERS MILL ROAD (ROUTE 753) AND MT. ZION ROAD (ROUTE 781)
Acreage in parcel	25.836
Acreage in request	24.836 APPROX.
Election District	2
Comprehensive Plan	AGRICULTURAL RESERVE

Board of Supervisors

PLACING CONDITIONS ON THE REQUEST IS NEITHER A RECOMMENDATION FOR APPROVAL OR FOR DENIAL. IT IS SIMPLY STATING THAT IF APPROVED, THESE ARE THE MINIMUM CONDITIONS THAT SHOULD BE PLACED ON THE PERMIT. IF APPROVED, THE BOARD OF SUPERVISORS MAY CHANGE THESE CONDITIONS OR ADD NEW CONDITIONS AS DEEMED NECESSARY.

If the request is approved by the Board, as a minimum the following conditions should apply:

1. Use shall be in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
3. All requirements of the small contractor's business shall be met.
4. This permit is contingent upon the applicant obtaining sewage disposal and water supply permits from the Health Department. A copy of said permits shall be submitted to the Community Development Department prior to issuance of any permits.
5. This permit is contingent upon the applicant obtaining a commercial entrance permit from VDOT's Residency Office for a commercial entrance onto Wengers Mill Road. A copy of said permit shall be submitted to the Community Development Department prior to issuance of any permits.
6. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
7. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
8. There shall be no off-premise signs permitted unless all County and State regulations are met.

10. This permit is contingent upon the applicant meeting fire flow as required by Emergency Services.
11. 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.

GENERAL INFORMATION

SUBMISSION JUSTIFICATION:

Section 17-27(a) allows for special use permit application for small contractor's business in the A-2 zoning district.

BACKGROUND

The property is owned by Bernice Estep Hottinger, who signed the application. The applicant is the contract purchaser contingent upon special use permit approval.

EXISTING SPECIAL CONDITIONS:

None

Adjoining Properties and Special Uses

Direction From Site	Zoning	Request	Decision
North	A-2	None	
East	A-2	None	
South	A-2	None	
West	A-2	None	
	A-1	None	

COMPREHENSIVE PLAN

The Comprehensive Plan shows this property in agricultural reserve

ZONING AND EXISTING LAND USE**Adjoining Properties and Uses**

Direction From Site	Zoning	Existing Land Use
North	A-2	Home sites, pasture
East	A-2	Pasture, wooded
South	A-2	Homes sites, pasture, brushy
West	A-2 A-1	Church, cemetery, home site Wooded, pasture

STAFF AND AGENCY ANALYSIS**UTILITIES**Health Department

The Health Department will need to approve a sewage disposal system(s) and water supply for the proposed usage. The applicant should obtain permits from the Health department.

ENVIRONMENTALNRCS - Soils

According to soil studies, the soil types are Frederick and Lodi silt loams (with different percent slopes) but with all having moderate shrink-swell potential.

Zoning Administrator - Floodplain

According to FEMA maps, the property is not located within the 100-year floodplain.

PUBLIC FACILITIESEmergency Services

The property is in the response area of the Singers Glen Fire Department and the Singers Glen Rescue Squad; both located 3 miles from the site.

Building Official

Permits as required, and compliance with the Uniform Statewide Building Code.

TRANSPORTATIONVDOT – Road Conditions

The site sketch shows an access from Mt. Zion Road to serve the total site. Sight distance is not available on Mt. Zion Road to accommodate commercial use. A commercial entrance location is available on Wengers Mill Road to

accommodate commercial traffic. A Private Entrance (PE-1) can be constructed on Mt. Zion road to serve the residence only, while a commercial entrance can be constructed on Wengers Mill Road near the existing barn to serve the commercial use.

VDOT – Traffic Impact Analysis
N/A

SUMMARY

Considerations

1. This use is for a small contractor's business in the A-2 zoning district.
2. At the agency review meeting, the applicant's wife stated they would have two to four employees at a maximum.
3. A commercial entrance would be required and VDOT states that the commercial entrance must be on Wengers Mill Road. If an entrance is put on Mt. Zion Road, it would be for the residence only and cannot be used to access the commercial use on the property.
4. Permits for septic and water supply must be obtained from the Health Department.
5. All requirements of the small contractor definition must be met.
6. According to the County Code, in granting a special use permit, the Board should find the following:
 - That the use is compatible with surrounding uses,
 - Is not detrimental to the character of adjacent land,
 - Is consistent with the intent of this chapter, and
 - Is in the public interest.



COUNTY of ROCKINGHAM

Department of Community Development

William L. Vaughn
Director

AFFIDAVIT

I, Diana C. Stultz, affirm that I am the Zoning Administrator for the County of Rockingham, Virginia, and have mailed notices to the following people for

APPLICATION FOR SPECIAL USE PERMIT REQUESTED BY:

CAROLL KELLER
1181 MT. TORREY ROAD
LYNDHURST, VA 22952
Tax Map #63-(A)-111

CARR DENNIS W & SHERRIE	7259 JOHN BROCK RD	LINVILLE VA 22834	63-(A)- L77
MOYERS CARROLL L & GENEVIEVE	11794 HOLLAR SCHOOL RD	LINVILLE VA 22834	63-(A)- L95
MOYERS DENNIS L & LANA H	11912 HOLLAR SCHOOL RD	LINVILLE VA 22834	63-(A)- L96A
SMITH JOHN STEVEN	153 DALE ENTERPRISE RD	HARRISONBURG VA 22801	63-(A)- L96B
HILL ROGER W & PATRICIA L	10326 MT ZION RD	LINVILLE VA 22834	63-(A)- L110A
ESTEP BERNICE	14482 NORTH MOUNTAIN RD	BROADWAY VA 22815	63-(A)- L111
CLYMER-KURTZ CHRISTOPHER & MARIA E	7511 WENGERS MILL RD	LINVILLE VA 22834	63-(A)- L111A
GROGG ROBERT L JR	10454 MT ZION RD	LINVILLE VA 22834	63-(A)- L111B
LANDES JOHN T & JILL E	461 INDIAN CREEK RD	HARLEYSVILLE PA 19438	63-(A)- L111C
CHURCH-MT ZION CHURCH & CEMETERY	882 HILLSIDE AVE	HARRISONBURG VA 22801	63-(A)- L112
JOHNSON MELVIN K & CAROLYN S	10477 MT ZION RD	LINVILLE VA 22834	63-(A)- L113
THOMPSON KAREN SUE	11632 WILLS CREEK RD	LINVILLE VA 22834	63-(A)- L114

Affidavit: Diana C. Stultz

Signed and acknowledged by Diana C. Stultz in the County of Rockingham, Virginia, on the 23rd day of January 2013, in the presence of the undersigned witness.

Witness: Jessie M. Dodrill

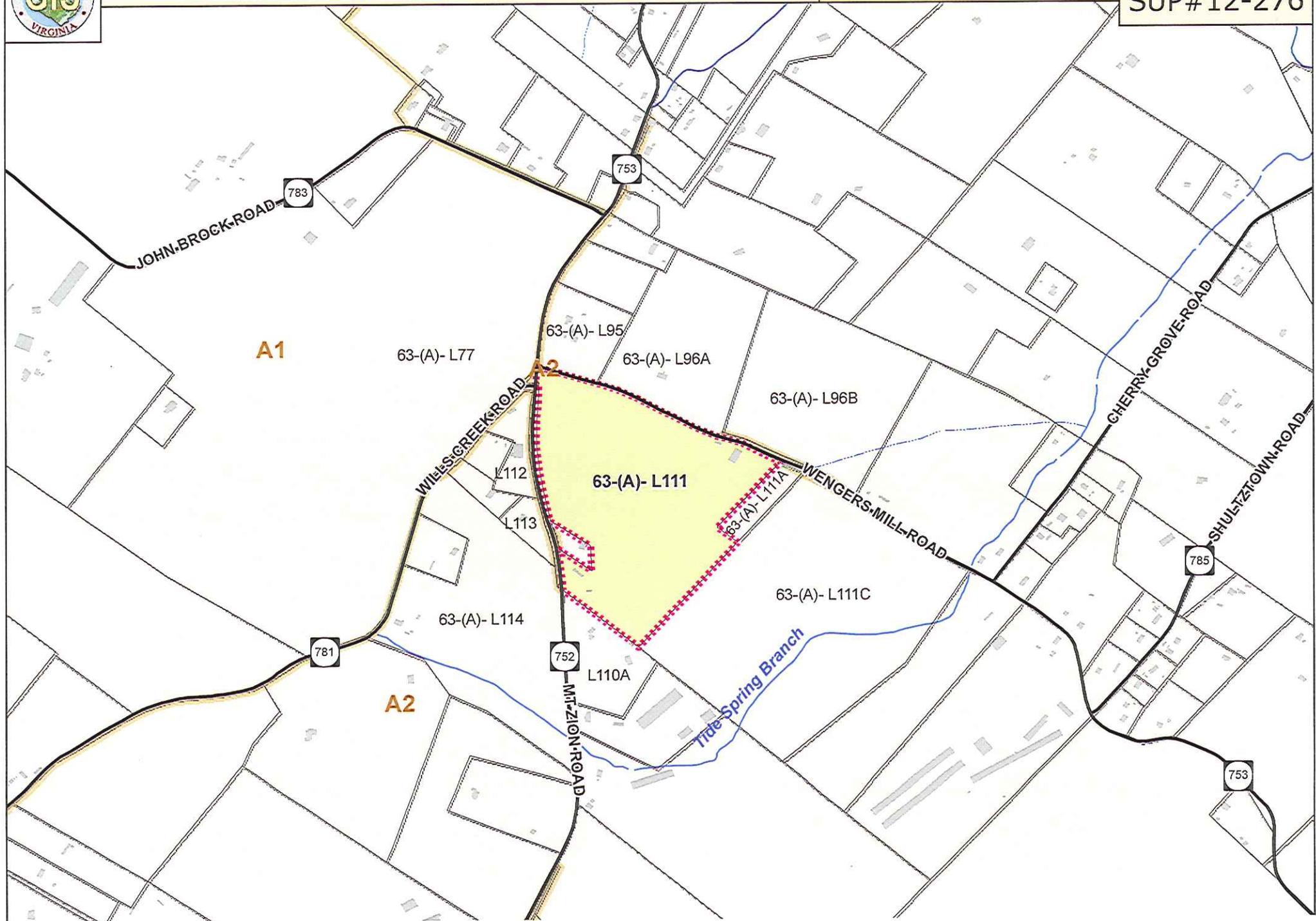


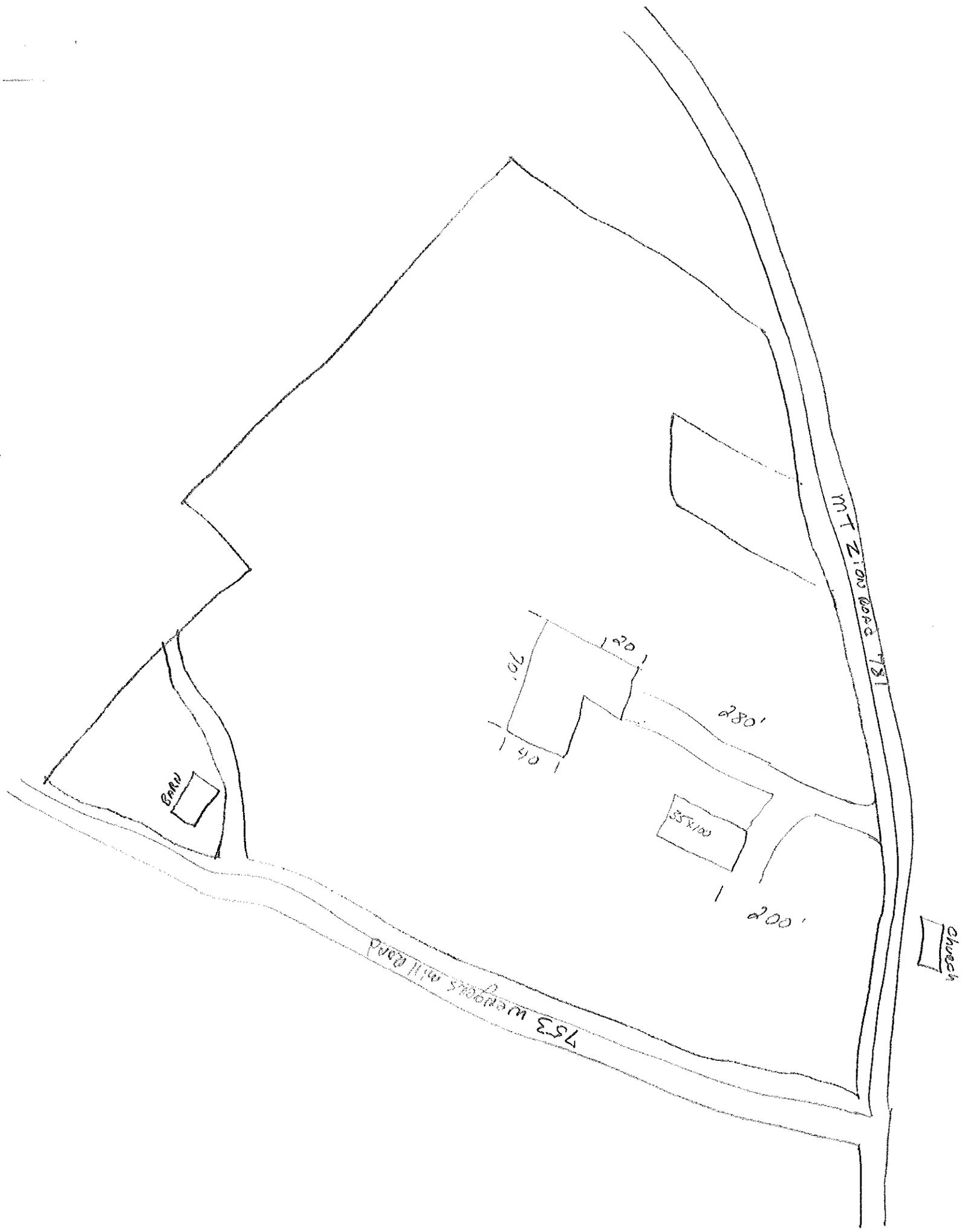
Carroll Keller Special Use Permit Request

2/13/2013



SUP#12-276







**Community Development
Special Use Permit Report
SUP12-301**

Meeting Date: FEBRUARY 13, 2013

Applicant	JEFFREY A. LUCATORTO
Mailing Address	10306 DAIRY ROAD, MCGAHEYSVILLE, 22840
Property Address	SAME
Phone #/Contact	246-5041/JEFFREY LUCATORTO
Tax Map Id	141-(A)-80
Zoning	A-1
Requested Use	50' X1400' PRIVATE LANDING STRIP WITH APPROXIMATELY 45' X 45' HANGAR
Location	S SIDE OF DAIRY ROAD (ROUTE 650) APPROXIMATELY 6/10 MILE WEST OF THREE SPRINGS ROAD (ROUTE 652)
Acreage in parcel	40.18
Acreage in request	1.6
Election District	5
Comprehensive Plan	AGRICULTURAL RESERVE

Board of Supervisors

PLACING CONDITIONS ON THE REQUEST IS NEITHER A RECOMMENDATION FOR APPROVAL OR FOR DENIAL. IT IS SIMPLY STATING THAT IF APPROVED, THESE ARE THE MINIMUM CONDITIONS THAT SHOULD BE PLACED ON THE PERMIT. IF APPROVED, THE BOARD OF SUPERVISORS MAY CHANGE THESE CONDITIONS OR ADD NEW CONDITIONS AS DEEMED NECESSARY.

If the request is approved by the Board, as a minimum the following conditions should apply:

1. Use shall be in substantial accordance to plot plan submitted with the application.
2. The hangar shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
3. The hangar and contents shall comply with all fire flow regulations of Fire & Rescue.

GENERAL INFORMATION

SUBMISSION JUSTIFICATION:

Section 17-23(ai) allows for special use permit application for airports, heliports, and flight strips in the A-1 zoning district.

BACKGROUND

None

EXISTING SPECIAL CONDITIONS:

None

Adjoining Properties and Special Uses

Direction From Site	Zoning	Request	Decision
North	A-1	None	
East	A-1	None	
South	A-1	None	
West	A-1	None	

COMPREHENSIVE PLAN

The Comprehensive Plan shows this property in agricultural reserve

ZONING AND EXISTING LAND USE**Adjoining Properties and Uses**

Direction From Site	Zoning	Existing Land Use
North	A-1	Home site, tillable, pasture
East	A-1	Home site, tillable, pasture
South	A-1	Pasture, tillable
West	A-1	Tillable, pasture

STAFF AND AGENCY ANALYSIS**UTILITIES**Health Department

The Health Department has no objection. If a sewage disposal system or water supply is desired for the hangar building, the applicant should obtain permits from the Health Department.

ENVIRONMENTALNRCS - Soils

According to soil studies, the soil types are Frederick & Lodi silt loam with moderate shrink swell potential.

Zoning Administrator - Floodplain

According to FEMA maps, the property is not located within the 100-year floodplain.

PUBLIC FACILITIESEmergency Services

The property is in the response area of the McGaheysville Fire Company and the McGaheysville station of the Elkton Emergency squad; both located 6 miles from the site.

This office would like to know how much fuel will be stored on site and what will the fire flow requirement for the hangar with contents be.

Building Official

No requirements unless a structure is to be building. Any structure would have to comply with the Virginia Uniform Statewide Building Code, and the proper permits would be required.

TRANSPORTATION

VDOT – Road Conditions

The existing entrance is adequate to serve the proposed use. VDOT offers no comments.

VDOT – Traffic Impact Analysis

N/A

SUMMARY

Considerations

1. This is for a private flight strip for the applicant only.
2. In discussions with the applicant, he is not certain he will construct a hangar, but it has been placed on the request in case he determines he wishes to do so.
3. In response to the question from the Deputy Fire Marshal regarding the storage of fuel, the applicant stated that he does not plan on keeping more than 10 gallons of fuel in his hangar for emergency use. He stated that he fuels his plane at a larger airport with the appropriate facilities to handle Aviation fuel.
4. The applicant made a very good point in a statement he made which was that he stores considerable more fuel for his farm equipment than he would for his plane.
5. If the applicant constructs the hangar, he will be required to meet with the Deputy Fire Marshal regarding fire flow. However, in discussing this with the Deputy Fire Marshal, he indicated that should be able to be accomplished with little or no problem.
6. According to the County Code, in granting a special use permit, the Board should find the following:
 - That the use is compatible with surrounding uses,
 - Is not detrimental to the character of adjacent land,
 - Is consistent with the intent of this chapter, and
 - Is in the public interest.



COUNTY of ROCKINGHAM

Department of Community Development

William L. Vaughn
Director

AFFIDAVIT

I, Diana C. Stultz, affirm that I am the Zoning Administrator for the County of Rockingham, Virginia, and have mailed notices to the following people for

APPLICATION FOR SPECIAL USE PERMIT REQUESTED BY:

JEFFREY A. LUCATORTO
10306 DAIRY ROAD
MCGAHEYSVILLE, VA 22840
Tax Map #141-(A)-80

LEXA ROBERT C	3450 RIDGE RD	CHARLOTTESVILLE VA 22901	141-(A)- L80A
SINE STEPHEN A & EMILIE K DETERDING	10176 DAIRY RD	MCGAHEYSVILLE VA 22840	141-(A)- L80B
CUB RUN FARM LC	3806 LAWYER RD	MCGAHEYSVILLE VA 22840	141-(A)- L81
BRADWAY ROGER A & LORNA L	2649 THREE SPRINGS RD	MCGAHEYSVILLE VA 22840	142-(A)- L83
GREENBROWER INC	3654 LETHE LN	MCGAHEYSVILLE VA 22840	153-(A)- L112, 154-(A)- L2

Affidavit: Diana C. Stultz

Signed and acknowledged by Diana C. Stultz in the County of Rockingham, Virginia, on the 23rd day of January 2013, in the presence of the undersigned witness.

Witness: Jessie M. Dodson

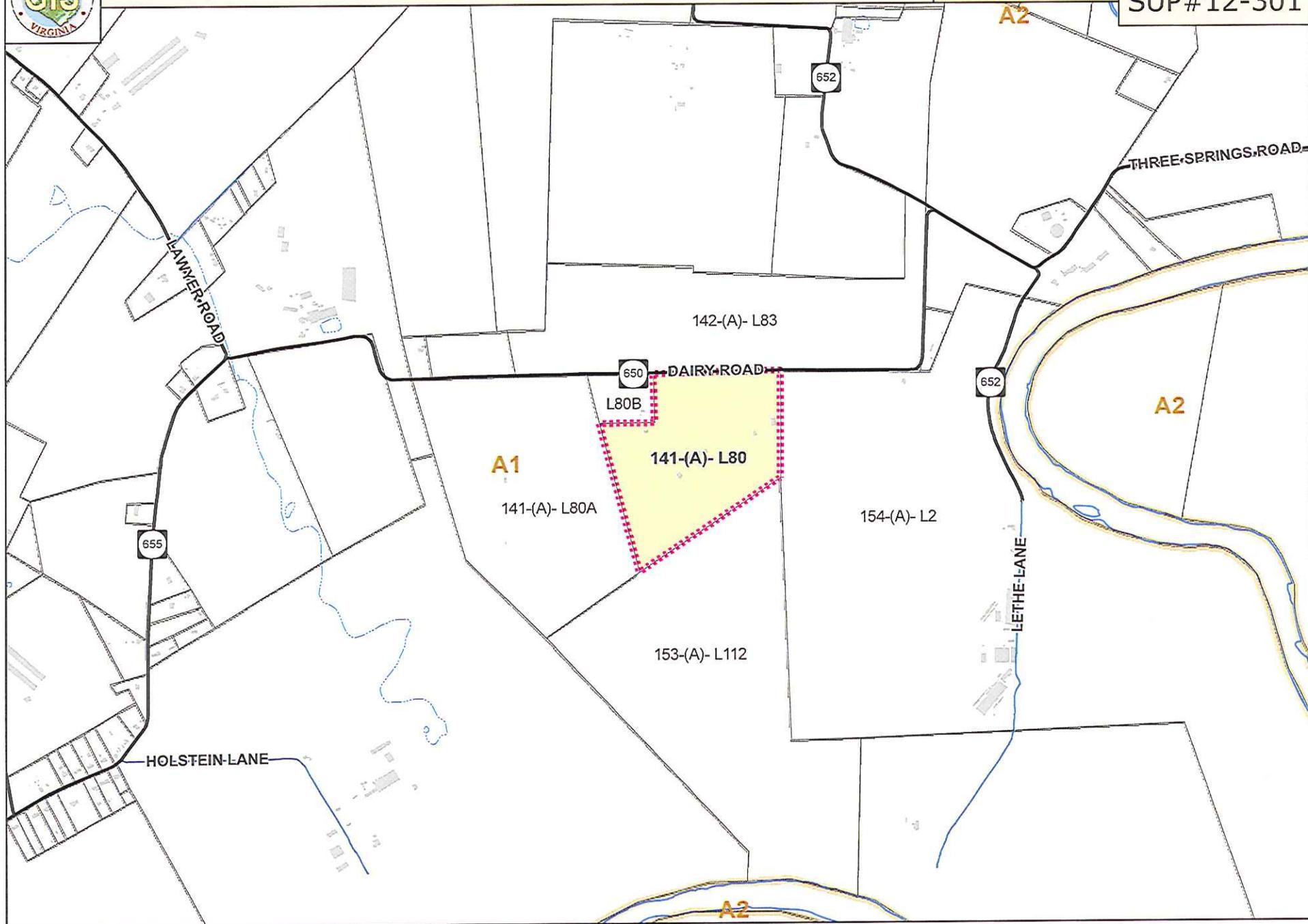


Jeffrey A Lucatorto Special Use Permit Request

2/13/2013



SUP#12-301



Satellite Image

Proposed Runway

