

February 25, 2009

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 25, 2009, 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
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

- JOSEPH S. PAXTON, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- STEPHEN G. KING, Deputy County Administrator
- JAMES L. ALLMENDINGER, Director of Finance
- WARREN G. HEIDT, Director of Public Works
- WILLIAM L. VAUGHN, Director of Community Development
- RHONDA G. HENDERSON, Director of Planning
- DIANE M. LEPKOWSKI, Deputy Zoning Administrator
- GRETCHEN M. SALLAH, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman 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 Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of February 11, 2009.

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RECOGNITION OF STUDENTS.

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

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RECOGNITION.

Administrator Paxton read the following resolution:

RESOLUTION – RETIREMENT OF JUDGE JOHN A. PAUL, GENERAL DISTRICT COURT

WHEREAS, John A. Paul, an untiring and dedicated public servant, having served with distinction since his election in 1970 as Judge for the 26th General District Court located in Rockingham County and Harrisonburg; and

WHEREAS, Judge Paul served as City Attorney for the City of Harrisonburg from 1968 until 1973; while also engaged as an attorney in private practice for this same period; and

WHEREAS, Judge Paul educated the youth in our community, serving as an adjunct assistant professor at James Madison University from 1968 to 1983; an adjunct instructor of History at Bridgewater College in 1967; and a physics instructor at the University of Virginia in 1960; and

WHEREAS, Judge Paul held many professional memberships and served as President of the Virginia District Court Judges Association in 1982, and was a member of the Virginia Supreme Court Committee on the Rules of Court from 1975 to 1985; and

WHEREAS, Judge Paul, prior to his election as Judge, gave back to his community by serving as attorney for numerous City and County boards and commissions; and

WHEREAS, Judge Paul has demonstrated his commitment to our community most notably by his tireless efforts to assist in starting and supporting many agencies which contribute significantly to the high quality of life in this community including the Rockingham-Harrisonburg SPCA, Community Counseling Service, the Gemeinschaft Home, Harrisonburg Mediation Center, Mercy House, First Step, and the Harrisonburg Crisis Intervention Center, Rivendale Children’s Home, the Pear Street Center, and other such programs for counseling and mental health services, alcohol and drug treatment, victims of domestic violence, sex offenders and crisis intervention.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, does hereby recognize and applaud the many outstanding civic contributions by Judge John A. Paul, and wishes him well as he retires from public service.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the resolution for Judge John A. Paul.

Chairman Eberly presented Judge Paul with a framed resolution and Supervisor Cuevas thanked him for his service to the community.

In turn, Judge Paul thanked the Board for its support.

Administrator Paxton read the following resolution:

RESOLUTION – RETIRMENT OF RAMONA CROWE, ELECTORAL BOARD

WHEREAS, Ramona Crowe has served with distinction as a member of the Rockingham County Electoral Board, a three-member Board, since June 21, 1974; and,

WHEREAS, Ms. Crowe, a lifelong member of the Keezletown community, has served the Board as Vice Chair, and currently presides as Chair of the Rockingham County Electoral Board; and

WHEREAS, Ms. Crowe worked with seven Board members and three registrars during her term to keep an informed public after actions taken by the City and numerous towns to annex parts of the County, which resulted in changes to voting precincts and districts; and

WHEREAS, Ms. Crowe assisted in the implementation of numerous innovative changes in the election process to make voting more accessible for the public such as the use of AccuVote electronic machines and computer-generated electronic pollbooks, and worked to improve polling places to make them handicap-accessible under federal election laws; and

WHEREAS, Ms. Crowe saw the change from district-appointed voter registrars to central county registration, and assisted in moving Town elections from May to November as a means to encourage higher voter participation and make the process more cost effective; and

WHEREAS, Ms. Crowe has served the voters of Rockingham County tirelessly, providing her service in a conscientious, fair, open, accurate and non-partisan manner; and

WHEREAS, Ms. Crowe has announced that she will no longer serve on the Rockingham County Electoral Board after almost 35 years of dedicated public service.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, hereby recognizes the outstanding contribution made for our community over the past 35 years by Ramona Crowe, and thanks her for her dedicated and tireless service.

On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the resolution for Ramona Crowe.

Chairman Eberly presented her with a framed resolution and thanked her for her service.

In turn, Ms. Crowe thanked the Board for their assistance.

Supervisor Cuevas presented Ms. Crowe with a commendation from the Clerk of the State Senate on behalf of Senator Mark Obenshain.

Administrator Paxton read the following resolution:

RESOLUTION – DR. JAMES R. PERKINS, PRESIDENT, BLUE RIDGE COMMUNITY COLLEGE

WHEREAS, Dr. James R. Perkins, President of Blue Ridge Community College since July 1989, has served the citizens of the Shenandoah Valley with distinction; and

WHEREAS, under the leadership of Dr. Perkins, Blue Ridge Community College set the standard in the Virginia Community College System in such areas as workforce development programming, student retention and graduation rates, and

student success in various measures of educational outcomes, including critical thinking and oral communication; and

WHEREAS, during Dr. Perkins' tenure, Blue Ridge Community College has expanded its enrollment to meet the increased demand of our community, and has been instrumental in obtaining funding for and overseeing the construction of many fine educational and community facilities, including the Robert E. Plecker Workforce Center, Bowman Large Animal Facility, Fine Arts Center, Bookstore and off-campus centers in Harrisonburg and Fishersville, and

WHEREAS, Dr. Perkins' vision led to expanded academic offerings to meet the needs of today's student as well as local business and industry with such programs as nursing and aviation maintenance technology; and

WHEREAS, Dr. Perkins has given back to our community by his service on local boards of directors for WVPT Public Television, the United Way and the Woodrow Wilson Library; and

WHEREAS, Dr. Perkins, a dedicated public servant, devoted husband, father and grandfather, has earned the respect and admiration of his friends and associates and has announced his retirement from his position at Blue Ridge Community College on August 15, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, does hereby recognize the outstanding contribution made to our community by Dr. James R. Perkins, and wishes him well in his retirement.

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

Chairman Eberly presented Dr. Perkins with a framed resolution and Supervisor Kyger thanked him for his service and remarked that his leadership and guidance had been a great asset to the college and community.

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REPORT – BLUE RIDGE COMMUNITY COLLEGE.

Dr. James R. Perkins, President of Blue Ridge Community College (BRCC) thanked the Board for the resolution and presented an annual report to the Board. He provided enrollment statistics for Rockingham County students who attend BRCC, outlined the college's economic picture, and discussed innovative programs such as the dual enrollment program with area high schools and the Massanutten Technical Center and the guaranteed admission program with James Madison University.

He highlighted the college's popular nursing, veterinary technician and aviation maintenance technology programs and informed the Board of their expanded course offerings, which include advanced math and science. He also reviewed capital improvements, including a proposed technology center the college hopes to open in less than two years.

Dr. Perkins also highlighted the Students in Free Enterprise group, who were nationally-recognized for their outreach projects, which focus on ethics, entrepreneurship and economics related to business.

Also in attendance were Bob May and Jean Gearing, BRCC Board Members representing Rockingham County.

Supervisor Kyger thanked Dr. Perkins for his contributions and for the quality programs at BRCC that other colleges use to model.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department including the following:

- Bergton Road (Route 820) – Completed a test section; advertised that proposed plans for stabilizing the embankment, widening the shoulders and improving the curves are available for review at the VDOT offices in Staunton and Harrisonburg;
- Majestic Road Drive (Route 914) and Greenwood Road (Route 940) – small projects starting in spring;
- Interstate 81 – Started surveying for modifications on the Route 33 interchange;
- General maintenance including grading, drainage, pipe replacement and cleaning, sign replacement.

Mr. Komara discussed proposed budget cuts at the Transportation Department and announced a public hearing would be held at the Augusta County Government Center in Verona on March 12, 2009 to discuss closing residency offices and rest areas, cutting staff and services, and project development as well as additional operations.

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RESOLUTION – SHENANDOAH VALLEY RAILROAD.

Administrator Paxton read the following resolution:

**RESOLUTION
RAIL PRESERVATION APPLICATION
SHENANDOAH VALLEY RAILROAD COMPANY**

WHEREAS, the Shenandoah Valley Railroad Company (SVRR) desires to file an application with the Virginia Department of Rail and Public Transportation to rehabilitate areas of poor trackage and drainage in addition to replacing bridge timbers on four older trestles and a failing retaining wall on the fifth bridge, installation of 1,100 railroad ties and 500 tons of ballast, in addition to 2 miles of surfacing, 2 miles of ditching and the replacement of 38 bridge timbers; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for rehabilitation funding for improvement of railways in the Commonwealth of Virginia; and

WHEREAS, the SVRR is an important element of the Rockingham County transportation system; and

WHEREAS, the SVRR is instrumental in the economic development of the Rockingham County area, and provides relief to the highway system by transporting freight, and provides an alternate means of transporting commodities; and

WHEREAS, the County of Rockingham supports the project and the retention of the rail service along this rail corridor; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided; and

NOW, THEREFORE, BE IT RESOLVED that the County of Rockingham does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Shenandoah Valley Railroad Company totaling \$122,395.00 for this funding cycle.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the resolution requesting the Virginia Department of Rail and Public Transportation give priority consideration to the projects proposed by the Shenandoah Valley Railroad Company totaling \$122,395.00 for this funding cycle.

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RESOLUTION – APPLICATION FOR VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) BOND – EAST ROCKINGHAM HIGH SCHOOL.

Administrator Paxton outlined the need for the following resolution to authorize the necessary funding for the next phase of construction at East Rockingham High School.

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

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

WHEREAS, the School Board (the “School Board”) of Rockingham County, Virginia (the “County”) has duly approved a resolution at its meeting held on February 13, 2007, to request and consent, as required by law, to the issuance of up to aggregate \$90,000,000 general obligation school bonds to be issued and sold by the County to Virginia Public School Authority (VPSA), in one or more series and from time to time, whether in VPSA regular pooled bond sales or VPSA subsidy bond sales, in order for the County to pay a portion of the costs of essential capital projects for school purposes in the County (the “90 Million Requesting and Consenting Resolution”); and

WHEREAS, pursuant to a resolution duly adopted by the Board of Supervisors of the County (the “Board”) on March 14, 2007, upon due notice and public hearing therefore, the County authorized the issuance, from time to time in one or more series, of up to aggregate \$90,000,000 general obligation school bonds to pay a portion of the costs of essential capital projects for school purposes in the County (the “Initial Resolution”); and

WHEREAS, the remaining bond issuance capacity under the Initial Resolution (described above) is equal to the principal amount of \$48,693,877 general obligation school bonds that may be issued by the County, from time to time and in one or more series; and

WHEREAS, the School Board has duly approved a resolution at its regular meeting held on February 24, 2009, to (i) ratify and confirm its \$90 Million Requesting and Consenting Resolution, as described above, (ii) request the Board to authorize a loan application to the VPSA in connection with the 2009 VPSA Spring Bond Sale, and (iii) request and consent, specifically, to the issuance of an up to \$26,500,000 general obligation school bond in such 2009 VPSA Spring Bond Sale to

be issued by the County in connection therewith in order to provide funds needed to pay a portion of the costs to construct and equip the Project.

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

1. The Board of Supervisors hereby consents to and authorizes the submission of a loan application to the VPSA, as described above, with respect to a general obligation school bond in an aggregate principal amount not to exceed **\$26,500,000** (the "Bond"), to be issued by the County in connection with the 2009 Spring Bond sale by VPSA Sale in order for the County to provide funds to pay a portion of the costs of the Project.

2. All officers of the County are hereby authorized and directed to take all such further actions as may be necessary or convenient in order for the County to carry out the purposes and intent described herein.

3. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 25th day of February, 2009.

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INTRODUCTION OF GUEST.

Supervisor Cuevas introduced Bonnie Simmons, Clerk of the General District Court. She has been employed with the court system for 25 years.

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PUBLIC MEETING.

At 7:04 p.m., Chairman Eberly closed the regular meeting and declared the public meeting open to discuss groundwater monitoring programs at the landfill.

Director of Public Works Heidt read the following statement for the record:

The Rockingham County landfill was permitted to begin operation as a sanitary landfill in May of 1972. The initial unlined disposal area was closed in 2002. Phase I began operation in 2001 and Phase II began operation in 2004. Phase I and II are both lined. The landfill facility is currently operating under Phase III of the lined disposal unit. The landfill encompasses a total of 215 acres, of which 51 acres are currently permitted for waste disposal.

A groundwater monitoring program began in 1994. Evidence of certain contaminants relatively common to closed unlined landfills was detected. This resulted in groundwater monitoring well installations throughout the landfill.

Groundwater Protection Standards were established in 2000. The facility entered into the Corrective Action Program following the identification of a statistically significant increase in contaminant concentrations in one of the compliance monitoring wells. The facility operated under monitored natural attenuation for several years thereafter.

In July of 2006 a revised corrective action plan, also referred to as a CAP, was submitted to the Virginia Department of Environmental Quality (VDEQ). The CAP contained details of the selected remediation strategy and described how the remedy remains protective of human health and the

environment. Components of the CAP consist of: additional horizontal and vertical delineation, existing institutional and engineering controls, groundwater extraction and treatment, and the remediation of Willow Spring which is located down gradient from the landfill.

In September of 2007 and May of 2008 additional groundwater monitoring wells were installed to further delineate the groundwater contaminant plume to improve the coverage of the current compliance groundwater monitoring network.

In August 2008, a Nature and Extend Study was submitted to VDEQ documenting the horizontal and vertical delineation of the contaminant plume in the vicinity of and down gradient of compliance monitoring wells. Based on the site characterization conducted to date, the plume appears to be contained mostly within the County property boundaries. In addition, a preferential migration pathway that generally discharges to Willow Spring appears to exist. The surfacing of the plume at the spring is a significant finding because it is desirable to treat and mitigate the contamination at a surface point of discharge.

In a letter dated October 6, 2008, VDEQ commented upon the Nature and Extent Study and requested that if the facility chooses to revise the July 2006 CAP, the submission be made by April 4, 2009. On November 20, 2008, the County notified VDEQ of their intent to revise the current CAP. This notice of intent also included a schedule of field activities to further address the delineation of the plume along the southern boundary and a document submittal schedule and anticipated schedule of installation of a surface water treatment system for Willow Spring.

The purpose of this meeting is to inform the public of groundwater conditions at the landfill, the monitoring and remediation efforts currently taking place and to receive comments and/or answer any questions.

No one spoke in favor or opposition of the matter.

Chairman Eberly closed the public meeting at 7:10 p.m.

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 7:10 p.m., Chairman Eberly opened the public hearing to discuss three ordinance amendments to the County Code.

OA09-04 An amendment to Chapter 16, Subdivision Ordinance, under Section 16-9, exceptions to subdivision, add language to specify that this section pertains to A-1, A-2 and RS-1 Districts.

Ms. Lepkowski stated the first amendment was requested by staff to clarify the existing code section.

On January 7, 2009, staff recommended approval stating:

The exceptions to the Subdivision Ordinance are intended to be used for the agricultural districts and the Rural Service district in which subdivisions cannot be created. However, there have been increased times where deeds have been submitted creating one lot in a residential, business or industrial district and staff has heard the argument that the person is not creating a subdivision but only been cutting out one lot. Additionally, adjoining transfers within subdivisions have been submitted for

approval under the exceptions to subdivisions. This request is therefore made for clarification.

On a 5-0 vote, the Planning Commission recommended approval on February 3, 2009.

No one spoke in favor or against the amendment.

OA09-05 An amendment to Chapter 16, Subdivision Ordinance, under Section 16-15(g) to state that every subdivided property shall front on and be served from a publicly-dedicated street.

Ms. Lepkowski stated the next amendment was requested by staff to clarify the existing code section.

On January 7, 2009, staff recommended approval stating:

This request is for clarification in this subsection. Another section of the subdivision ordinance talks about parcels having state road frontages. While it is important that it remain in the other section, the request is to also add it under this subsection so [people] will know that not only will their lot have to be served by a state road but that it must also front on a state road.

On a vote of 5-0, the Planning Commission recommended approval on February 3, 2009.

County Attorney Miller suggested an amendment to further clarify the ordinance to read, "lot in a platted subdivision" instead of "subdivided property."

No one spoke in favor or against this amendment.

OA09-06 An amendment to Chapter 17, Zoning Ordinance, to allow kennel operations by special use permit in the A-1 District under Section 17-23(ag).

Ms. Lepkowski stated the last amendment for consideration was requested by staff since kennels are permitted by special use in A-2 and it seems appropriate to also allow them in A-1.

On January 7, 2009, staff recommended approval stating:

There have been an increasing number of complaints regarding commercial kennels in the County over the last several months. In researching our kennel regulations, it was found that commercial kennels are allowed by special-use permit in the A-2 District but not in the A-1 District. As the agricultural districts are where kennels should be located, this request is to allow kennel operations by special-use permit in the A-1 District also. This would give the Board the opportunity to determine on a case-by-case basis if the location was appropriate for this use.

On a vote of 5-0, the Planning Commission recommended approval on February 3, 2009.

No one spoke in favor or against this amendment.

At 7:20 p.m., Chairman Eberly closed the public hearing and reconvened the regular meeting.

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

**ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 16-9
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 16-9, Exceptions to subdivision, the first paragraph of which be and hereby is repealed and re-enacted as follows:

Section 16-9. Exceptions to subdivision.

The agent may permit divisions of land into two (2) parcels in the A-1, A-2, and RS-1 Districts as set forth below when the resultant parcels conform to the Chapter 17 (Zoning Ordinance) requirements of the zoning district in which the parcels are located and when such divisions do not circumvent the intent of this chapter as stated in section 16-2. Minimum lot size in agriculturally zoned districts shall be one (1) acre except in A-2 if the property is served by public sewer, the minimum lot size shall be twenty thousand (20,000) square feet, and the newly created parcel shall be connected to the public sewer. In the RS-1 district, the minimum lot size shall be twenty thousand (20,000) square feet. When the proposed division would create a residual parcel of less than five (5) acres, the residual parcel shall meet the access, health and safety standards as set out in this chapter. No divisions of land shall be approved that would make a lot nonconforming or which would make an already nonconforming lot more nonconforming.

All paragraphs and sub-sections following the first paragraph are re-affirmed in their entirety as they existed prior to this Ordinance.

This ordinance shall be effective from the 25th day of February, 2009.

Adopted the 25th day of February, 2009.

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

ordinance amendment, concurring with the recommendation of the County Attorney to further clarify the ordinance:

**ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 16-15(g)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 16-15, Streets- General standards of design and maintenance guarantees, subparagraph (g), be and hereby is repealed and re-enacted as follows:

Section 16-15. Streets – General standards of design and maintenance guarantees.

(g) Except as provided in the RR-1, R-4, R-5, MH-1, and PCD districts set forth in chapter 17 (zoning), there shall be no private streets platted in any subdivision, and every lot in a platted subdivision shall front on and be served from a publicly dedicated street, which shall be taken into the state system by the Virginia Department of Transportation. There shall be no reserve strips controlling access to streets.

This ordinance shall be effective from the 25th day of February, 2009.

Adopted the 25th day of February, 2009.

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

**ORDINANCE ENACTING
SECTION 17-23(ag)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-23. Special Uses, subparagraph (ag) be enacted as follows:

Section 17-23. Special Uses.

(ag) Kennel operation

This ordinance shall be effective from the 25th day of February, 2009.

Adopted the 25th day of February, 2009.

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PRESENTATION – ECONOMIC UPDATE.

Community Development Director William L. Vaughn gave a presentation on economic activity in the County.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton’s staff report dated February 20, 2009 which included an update on the budget process.

Due to the changing nature of the recently-approved federal stimulus package and its effect on the state budget, which in turn effects the County budget, staff recommends moving the Board’s April 8, 2009 meeting, which was to include the public hearing on the budget, from Broadway High School to the County Administration Center for a regular meeting and delay setting the date for the budget meeting until a future date after the County has received more information from the state and federal government on the use of federal stimulus funds.

He indicated that the budget will show significant cuts in school funding and for constitutional officers/offices as well as losses in personal property revenue resulting from a decline in vehicle values. Every agency in the County, as well as those funded by the County, is looking at up to a 15% budget reduction, and each position funded by the County, as well as the way the County conducts business and provides services, is under scrutiny, Administrator Paxton reported.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved moving the April 8, 2009, meeting from Broadway High School to the County Administration Building, with the meeting to begin at 3 p.m.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller did not have a written staff report.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

Mr. King did not have a written staff report.

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FINANCE DIRECTOR’S STAFF REPORT.

Mr. Allmendinger did not have a written staff report.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated February 25, 2009.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated February 25, 2009.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table:

- S08-50 Fox Run Farms, L.L.C., 825 Chapel Hill Lane, Weyers Cave, for biodiesel production not to exceed 1,500 gallons per day for private use and commercial wholesale on property located at 1936 Cecil Wampler Road, Mt. Crawford, on the south side of Cecil Wampler Road (Route 704) approximately 1,500 feet west of Pleasant Valley Road (Route 679); Election District #3; Zoned A-2; Tax Map #124C-(A)-34 and #124C-(A)-35. This request was tabled on December 10, 2008.

The Board discussed legislation introduced by Delegate Matthew J. Lohr being considered during the current General Assembly session, amending the Code of Virginia to allow certain small-scale conversion operations of biomass to alternative fuel by right in agricultural zones.

There was further discussion regarding the impact of the proposed legislation encroaching on the ability of local governments to govern local land use decisions. The Board also reviewed the conditions associated with the special-use permit request and the County's ability to enforce conditions if the legislation passed.

Supervisor Floyd expressed his opposition in accordance with his concerns at the time the permit request was tabled.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 4 to 1, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - NAY; KYGER - AYE; the Board approved, subject to the following conditions, S08-50 Fox Run Farms, L.L.C., 825 Chapel Hill Lane, Weyers Cave, for biodiesel production not to exceed 1,500 gallons per day for private use and commercial wholesale on property located at 1936 Cecil Wampler Road, Mt. Crawford, on the south side of Cecil Wampler Road (Route 704) approximately 1,500 feet west of Pleasant Valley Road (Route 679); Election District #3; Zoned A-2; Tax Map #124C-(A)-34 and #124C-(A)-35.

- (1) Use shall be located in substantial accordance with plot plan as approved.
- (2) Any building associated with this use shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) For any existing buildings associated with this use, the applicant shall submit sealed drawings from an architect or engineer. Change of use permit shall be required for any existing building.
- (4) As the public will be coming to the property and since there will be an employee, restroom facilities will be required in one of the buildings used for the business. This restroom will have to be handicapped accessible.

- (5) VDOT shall require a commercial entrance to be installed to define an entrance location. That entrance location shall be determined and approved during site plan review.
- (6) A commercial entrance permit shall be obtained from VDOT's Residency Office and shall be submitted to the Community Development Department prior to issuance of any building permits.
- (7) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (8) Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on VDOT's right-of-way.
- (9) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (10) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (11) If adequate fire flow cannot be provided to the site, this permit shall become null and void, and the business shall not be allowed to operate on the property.
- (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.

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COMMITTEE APPOINTMENTS.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board appointed Major C. M. Hess to serve on the Community Services Board representing the Sheriff.

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COMMITTEE REPORTS.

The Board heard the following committee reports from staff and Board members:

CHAMBER OF COMMERCE

Supervisor Floyd asked to be removed from the committee. A replacement will be determined at a later date.

PUBLIC WORKS

Mr. Heidt reported on the County's next step in its analysis of the regional water supply initiative in a memorandum dated February 25, 2009:

The City and County recently collaborated on a jointly-funded water supply study to evaluate water system infrastructure, identify and evaluate potential improvements that are candidates for joint project initiatives, perform cost estimates and identify the advantages to each entity. The study was conducted by Wiley-Wilson representing the City and Anderson & Associates representing the County. The outcome of this study was a recommendation that the City and County partner on the design, construction and joint ownership of a raw water supply line to be run from the South Fork of the Shenandoah River to the City's Grand Avenue Water Treatment Plant.

The next phase of this study involves the identification of several strategic water delivery points from the City to the County and associated hydraulic analysis of the City water distribution system to determine the adequacy of current and future City supply capabilities to those delivery points. The study must also analyze and estimate the cost of potential City and/or County infrastructure needs to fully leverage the availability of City water to specified County locations. This aspect of the study must address both water supply and sewage collection infrastructure, as it is assumed that wherever the County may desire to have access to City water, the associated sewage collection capacity must also be available.

Staff solicited proposals from Anderson and Associates, and Peed and Bortz as both firms are deemed competent and have been prequalified to perform the necessary hydraulic modeling and analysis work

Both proposals were submitted on a lump sum basis however the proposal from Anderson and Associates assumes that Wiley Wilson will perform all City system hydraulic modeling at the prevailing hourly rate.

Engineering Firm	Lump Sum Cost	Additional Costs
Peed and Bortz	\$47,500	None
Anderson and Associates	\$22,500	WW Modeling Costs

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the County Administrator and Director of Public Works to approve the Peed & Bortz work order for the hydraulic study phase of the joint City-County water regionalization initiative at a cost not to exceed \$47,500.

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Supervisor Kyger discussed a conference call with Governor Timothy M. Kaine about the effects of the federal stimulus package on the state and its impact on the budget.

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ADJOURNMENT.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board adjourned the meeting at 8:18 p.m.

Chairman