

February 27, 2008

**PUBLIC HEARING - MOUNT CRAWFORD BOUNDARY LINE
ADJUSTMENT**

The Rockingham County Board of Supervisors held a joint public hearing with the Mount Crawford Town Council on Wednesday, February 27, 2008, at 4:00 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
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
MAYOR ALFRED COOK, Town of Mount Crawford
VICE MAYOR BUD WALLS, Town of Mount Crawford
COUNCILWOMAN CAROL SCHEPPARD, Town of Mount Crawford
COUNCILMAN ROBERT WIMER, Town of Mount Crawford
BOB F. HOLTON, Superintendent Town of Bridgewater

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**PUBLIC HEARING - MOUNT CRAWFORD BOUNDARY LINE
ADJUSTMENT**

At 4:01 p.m., Chairman Floyd called the meeting to order to conduct a joint public hearing with the Mount Crawford Town Council concerning their intention to approve a boundary line adjustment agreement.

Administrator Paxton reviewed a map of the Mount Crawford area which highlighted the proposed properties to be affected by the boundary line adjustment. He explained that a boundary line adjustment is accomplished by consent of both governing bodies and approval of the Circuit Court. He said the adjustment will affect 39 parcels and add 243 acres to the Town. The Town requests that this be accomplished in two phases. Phase 1 will incorporate properties in the northern and western areas into the Town on April 1, 2008, or as soon thereafter as approved by the Rockingham County Circuit Court. Phase 2 will incorporate properties in the southern and eastern areas into the Town at a later date by ordinance of the Town Council.

Administrator Paxton stated that all current Town services will be extended to the new area upon the effective date of the boundary line adjustment. He stated that the following additional services will be provided to the Town's citizens:

- Law enforcement services equivalent to one sworn officer on duty 24 hours a day, 7 days a week;
- Treasurer-administrator position created upon the issuance of 60 building permits; and
- Administration of water and sewer, and establishment of an administrative office within 90 days after the effective date of the Phase 1 boundary line adjustment.

Administrator Paxton noted that the County will install a water meter at Mount Crawford's expense, a water agreement will permit the Town to purchase water from the County, and Mount Crawford will continue to pay an outstanding accounts receivable. Administrator Paxton stated the Town will limit the development of lots in the new area to 30 residential building permits a year. He said the Town will provide the County with a copy of their annual financial report and keep the County informed of their progress.

Bridgewater Town Superintendent Bob Holton indicated the Mount Crawford Town Council held a public hearing in August with a large turnout of citizens overwhelmingly in support of this boundary line adjustment. Mr. Holton said this agreement ensures the survival of Mount Crawford as a Town.

Supervisor Kyger stated this process began at least ten years ago and has been reviewed carefully. He said it is essential for the Town's identity and survival that they have the ability to expand their tax base. Supervisor Kyger said this agreement is also beneficial to the County because the Town will take over responsibility for certain services. On behalf of the Board, Supervisor Kyger expressed appreciation to Mr. Holton for working with Mount Crawford representatives on this project.

At 4:13 p.m., Chairman Floyd closed the public hearing and declared the Board in recess until its regular meeting.

****RECESS ****

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 27, 2008, 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
DIANA C. STULTZ, Zoning Administrator
WILLIAM L. VAUGHN, Director of Community Development
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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

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

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

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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 13, 2008.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Mr. Komara reported that he and Administrator Paxton discussed potential projects to submit for the Revenue Sharing Program. Improvements are planned for Route 981 (intersection of Routes 602, 981 and 33) at the new East Rockingham High School and Route 820 in Bergton.

Administrator Paxton indicated VDOT and Rockingham County Public Works employees will begin securing right-of-way easements for the Rockingham Pike project with the goal of completing the road improvements before school opens.

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 authorized Rockingham County's participation in the Revenue Sharing Program for \$1,000,000 to be used to complete improvements to Route 981 and Route 820.

In response to a question from Chairman Floyd, Mr. Komara noted that VDOT has not yet received the "No Thru Trucks" signs.

Chairman Floyd said he has received several complaints that tractor trailers traveling to the Wal-Mart Distribution Center via Friedens Church Road have not properly negotiated the turn at Friedens United Church of Christ and have knocked a stone wall down several times. Mr. Komara planned to contact the gentleman who spoke with Chairman Floyd.

Supervisor Cuevas suggested VDOT encourage the General Assembly to enact legislation imposing a stiffer penalty for destruction of highway signs, due to the growing problem of signs being vandalized.

Administrator Paxton provided the Board with a summary of comments from the Bridgewater Bypass Location Study and a Resolution from the Town of Bridgewater. Administrator Paxton provided Supervisor Kyger with all the comments, including comments provided by the Town of Dayton, for his review. Supervisor Kyger stated the County needs to act now to ensure we do not lose the funding but there are issues regarding this project which have not been resolved. If the plan is endorsed, Supervisor Kyger said he wants it to include language which addresses concerns that the Bypass may increase traffic in Bridgewater and adjustments may need to be made. He plans to draft a resolution, on behalf of the County, by the next meeting.

- a. Stone Spring Road Project – This matter will be discussed at the March 26, 2008 meeting.

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BLUE RIDGE COMMUNITY COLLEGE.

Dr. James Perkins, President of Blue Ridge Community College (BRCC), accompanied by BRCC Local Board Member Jean Gearing, provided an update on enrollment statistics for Rockingham County students. Dr. Perkins noted that starting this fall Blue Ridge Community College will be the only area college providing dual enrollment for Rockingham County students. He reported on new programs and reviewed recent capital improvements at the campus, including a fine arts building.

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TRANSFER OF HOUSING CHOICE VOUCHERS – HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD.

Administrator Paxton presented a proposal to transfer administration of 40 housing choice vouchers from the Harrisonburg-Rockingham Community Services Board to the Harrisonburg Redevelopment and Housing Authority. Michael Wong, Executive Director from the Harrisonburg Redevelopment and Housing Authority, explained how the housing voucher system works and indicated the Housing Authority currently manages 553 vouchers so it makes sense for the Housing Authority to administer these additional vouchers.

In response to questions from Supervisors Cuevas and Kyger, Mr. Wong indicated individuals from other counties and states have applied for vouchers, but they must live in Rockingham County for one year to be eligible. He said this program allows participants to move to a different home and keep their housing vouchers, but they must remain in Harrisonburg or Rockingham County. Housing vouchers are granted based on a point system with first priority going to individuals on a fixed income that have disabilities, receive assistance from the Community Services Board, are veterans, or are the “real working poor.”

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 endorsed the transfer of 40 housing choice vouchers from the Harrisonburg-Rockingham Community Services Board to the Harrisonburg Redevelopment and Housing Authority.

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RESOLUTION OF SUPPORT FOR SHENANDOAH VALLEY RAILROAD.

Administrator Paxton noted that the Shenandoah Valley Railroad (SVRR) requests a resolution of support each year. This year’s resolution is for \$97,808.75 to fund 700 crossties, 750 tons of ballast, surfacing and tamping 2.25 miles, replacing 36 bridge timbers and welding 16 rail joints. The resolution requires a \$52,666.25 match by SVRR. Administrator Paxton said SVRR will spend the funds and then request reimbursement from the State.

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 adopted 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 drainage to include crosstie installation, ballast, ditching, tamping and surfacing; and replace bridge timbers and to improve rail conditions on our continuous welded rail trackage.

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 \$97,808.75 for this funding cycle.

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APPOINTMENTS.

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 reappointed Frederick E. Eberly and Dee E. Floyd as Commissioners of the Central Shenandoah Planning District Commission.

Supervisor Kyger stated he would like to nominate a member of the Mount Crawford Town Council for a vacancy on the Central Shenandoah Planning District Commission which needs to be filled by an elected official or constitutional officer from the County, but he has not spoken with her yet. Supervisor Cuevas suggested the Board make the appointment, pending acceptance by the individual.

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 appointed Dr. Carol Scheppard to the Central Shenandoah Planning District Commission, pending acceptance of that appointment.

Administrator Paxton noted the present term of the Commission’s Executive Committee member for the Central Shenandoah Planning District Commission will expire June 30, 2008.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board nominated William Vaughn to stand for Executive Committee member election.

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PUBLIC HEARING - AMENDMENT TO FY 2007-2008 BUDGET.

At 7:08 p.m., Chairman Floyd opened the public hearing and Mr. Allmendinger outlined the Budget Amendment to appropriate funds for permanent financing for the new Cub Run Elementary School, permanent financing for the SRI International building, and to establish a fund for the self-insured health insurance plan.

There was no opposition to the amendment.

At 7:10 p.m., Chairman Floyd closed the public hearing.

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; as recommended by the Finance Committee, the Board adopted the amendment to the Fiscal Year 2007-2008 Budget. The purpose of the amendment is to appropriate funds for permanent financing for the new Cub Run Elementary School, permanent financing for the SRI International building, and to establish a fund for the self-insured health insurance plan as follows:

Proposed Amendment
Fiscal Year 2007-2008 Adopted Budget

Revenue:

General Fund		
Proceeds from Permanent Loan		\$17,500,000
Proceeds from Permanent Loan		<u>6,708,062</u>
		\$24,208,062
Capital Projects Fund		
Transfer from General Fund		\$17,500,000
School Capital Projects Fund		
Transfer from General Fund		\$ 6,708,062
Self-Funded Health Ins Plan Fund		
Health Ins Premiums		<u>\$14,069,704</u>
Total Revenue		\$62,485,828

Expenditure:

General Fund		
Transfer to Capital Projects Fund		\$17,500,000
Transfer to School Capital Projects Fund		<u>6,708,062</u>
		\$24,208,062
Capital Projects Fund		
Building Construction		\$17,500,000
School Capital Projects Fund		
Building Construction		\$ 6,708,062
Self-Funded Health Ins Plan Fund		
Professional Health Services		<u>\$14,069,704</u>
Total Expenditure		\$62,485,828

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RECONVENE MEETING.

At 7:10 p.m., Chairman Floyd reconvened the regular meeting.

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RABIES CLINICS.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved two rabies vaccination clinics to be administered by Shenandoah Valley Spay & Neuter Clinic on March 8, 2008 and March 22, 2008, in accordance with Virginia Code Section 3.1-796.97.

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ABSTRACT OF VOTES.

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 instructed the Clerk to include the following abstract of votes from the 2008 Presidential Primary Election in the minutes of the meeting:

ABSTRACT OF VOTES

cast in the County of Rockingham, Virginia,
at the February 12, 2008 Democratic Presidential Primary Election for:

PRESIDENT

<i>NAMES OF CANDIDATES AS SHOWN ON BALLOT</i>	TOTAL VOTES RECEIVED (IN FIGURES)
Barack Obama	2,634
Dennis J. Kucinich	11
Hillary Clinton	1,948
Bill Richardson	8
Joe Biden	4
John Edwards	43
<i>Total Number of Overvotes for Office</i>	0

ABSTRACT OF VOTES

cast in the County of Rockingham, Virginia,
at the February 12, 2008 Republican Presidential Primary Election for:

PRESIDENT

<i>NAMES OF CANDIDATES AS SHOWN ON BALLOT</i>	TOTAL VOTES RECEIVED (IN FIGURES)
Ron Paul	212
John McCain	1,910
Fred D. Thompson	35
Mike Huckabee	2,947
Rudy Giuliani	23
Mitt Romney	140
<i>Total Number of Overvotes for Office</i>	0

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated February 22, 2008.

Administrator Paxton reported that the Senate killed the homestead exemption legislation for a referendum to be held in November which would allow local governments to exempt up to 20% of the assessed value of real property from real estate taxes. He said the business community went to the General Assembly when they realized they would have to make up the 20% shortfall and the legislation was killed.

Administrator Paxton noted Senate bill 768 is in the House Rules Committee and will be carried over to next year. The bill has some negative points because the author did not fully understand the current proffer system.

Supervisor Kyger said the current proffer system and current impact fee system now in place are locked. The County can accept cash proffers but cannot adopt a proffer system. Administrator Paxton said his understanding is that by not acting on this legislation, the current system will remain in place.

Supervisor Kyger said negotiations took place this afternoon (February 27, 2008) between Virginia Association of Counties, Virginia Municipal League and contractors to hold status quo. He said a joint House-Senate resolution will be proposed this weekend which is a gentleman's agreement to negotiate for one year.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution amending the purpose of the Shenandoah Valley Juvenile Detention Center Commission and to provide a less-secure residential program for juveniles referred by the court system:

SUPPLEMENTAL RESOLUTION

WHEREAS, the Shenandoah Valley Juvenile Detention Center Commission (the "Commission") is a public body corporate duly formed under the provisions of Article 13, Chapter 11, of Title 16.1 of the Code of Virginia (1950), as amended (the "Virginia Code") by a joint resolution (the "Joint Resolution") duly approved by the governing bodies of its member jurisdictions, namely, the Counties of Augusta and Rockingham, and the Cities of Harrisonburg, Staunton and Waynesboro (the "Members"); and

WHEREAS, the Commission presently maintains and operates a secure juvenile detention facility located in the Augusta County Government Center in Verona, Virginia; and

WHEREAS, upon mature consideration, the Commission has determined the advisability to expand and increase its services and to provide a less-secure residential program for juveniles who are referred by the court system (the "Less-Secure Program"); and

WHEREAS, the Commission shall adhere to the Virginia Standards for Interdepartmental Regulation of Children's Residential Facilities, among other requirements by law, in order to provide such Less-Secure Program; and

WHEREAS, pursuant to a Resolution duly adopted on February 1, 2008, the Commission has requested each of its Members to approve a supplemental resolution to the Joint Resolution in order for the Members to confirm the establishment of the Commission and its provision of services for the benefit of juveniles, all as contemplated under the Virginia Code and deemed advisable by the Commission from time to time.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. **Authorization of Expansion and Increase of Services.** The advisability for the Commission to expand and increase its services for the benefit of its Members and their citizens, as described above, is hereby confirmed. To such end, the establishment of the Commission by the Members and its provision of services for the benefit of juveniles are hereby ratified, confirmed and approved, in all respects, including an expansion and increase in services for juveniles by the Commission (as described above), all as contemplated under the Virginia Code and as may be deemed advisable by the Commission from time to time, in order for the Commission to serve the best interests of its Members and their citizens.

2. **Ratification of Joint Resolution, as supplemented hereby.** The provisions of the Joint Resolution, as supplemented by this Supplemental Resolution, are hereby ratified, confirmed and approved in all respects.

3. **Filing of Supplemental Resolution with the Commission.** The Clerk of this governing body is hereby authorized and directed to provide an executed copy of this Supplemental Resolution to the Superintendent of the Commission to be included in the official records of the Commission.

4. **Effective Date.** This Resolution shall take effect immediately.

Approval Date: February 27, 2008

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 Smith Creek Watershed Partnership proposal for a project which would provide farmers and other citizens interested in conservation of the Smith Creek watershed to apply for federal and state grant funding with no financial assistance from Rockingham County.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller did not have a written report, but stated the Circuit Court approved the special election for Commissioner of the Revenue to be held concurrent with the general election in November.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

Mr. King did not have a written report.

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FINANCE DIRECTOR'S STAFF REPORT.

Mr. Allmendinger did not have a written report.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated February 27, 2008, which stated the following:

- McGaheysville WWTP – staff is trying to expedite the easement acquisition process;
- Phase III/IV of landfill expansion – requires Board approval of a two-year contract renewal with SCS for groundwater monitoring services at a cost not to exceed \$85,600;
- Three Springs Water System – Geotechnical work on the RMH tank site will occur during the week of March 3, 2008;
- Pleasant Run Sewer Interceptor and Water Supply Line – water line is complete; sewer line is 30% complete and all major road borings are through; the total contract price on this project is \$4,332,630 and total paid to date is \$2,255,252;
- Lilly Gardens – contract with Aaron J. Connor General Contractors was awarded February 14, 2008 and the contractor has begun mobilization on the project.

As recommended by the Public Works Committee, 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 a two-year contract with SCS Engineers for groundwater monitoring services at the landfill at a cost not to exceed \$85,600.

This expense is budgeted in the Solid Waste account, 410-04204-3104, and the City of Harrisonburg pays 14.04% of groundwater monitoring expenses.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated February 27, 2008.

At the request of Chairman Floyd, on motion by Supervisor Cuevas, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S07-38, John L. Welsh, 4158 Indian Trail

Road, Keezletown, for a residence involving a non-family division on property located on the west side of Mountain Valley Road (Route 620) approximately 30 feet north of Rainbow Trail (Route 758), Election District #3.

Chairman Floyd made the following statement:

The request of John Welsh for a residence involving a division of land was heard by the Board on October 10, 2007. During that meeting we learned that the applicant may be selling the land he is requesting to be divided to an adjoining landowner. Additionally, the residual parcel was to be conveyed to the applicant's son who was also getting a separate parcel of land joining this property.

The Board tabled the request to give the applicant time enough to determine if he was going to sell to an adjoining landowner; and if not whether the land that the son was to obtain could be added to his adjoining property.

The applicant's son has had conversations with the Zoning Administrator and had indicated on a couple of occasions that he may withdraw the application. He did indicate that he could add the land he was to get to his other parcel.

Inasmuch as it appears there are other alternatives, and as historically the Board does not grant non-family divisions in A-1, I would ask a fellow Board member to make a motion on my behalf to deny this request.

On motion by Supervisor Eberly, 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 denied S07-38 special use permit request of John L. Welsh.

At the request of Chairman Floyd, on motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S07-49, Serhiy Bohdan, 2149 Cecil Wampler Road, Mount Crawford for a welding shop on property located on the southwest side of Pleasant Valley Road (Route 679) and Cecil Wampler Road (Route 704), Election District #3.

Chairman Floyd made the following statement:

This request is for a welding shop. It was tabled by the Board on October 24, 2007. The Board has viewed the property. Also, the applicant has submitted a letter stating that he would improve the entrance to meet the VDOT standards and that he would be moving a lot of the things stored outdoors into the shop when it was complete.

Banta is located across Pleasant Valley Road from this site and there are other commercial or industrial sites not adjacent to but in close proximity to this site. This, therefore, would not be the only business in the area and would be on a much smaller scale than other businesses in that area.

Conditions have been placed on the request that all work must be done indoors, that there can be no outside storage and that junk, trash and debris cannot accumulate on the property.

For these reasons I would ask a fellow Board member to bring forth a motion for approval.

On motion by Supervisor Breeden, 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 S07-49 special use permit request of Serhiy Bohdan, subject to the following conditions:

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Building 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 shall be submitted to the Department of Community Development prior to obtaining final zoning approval for building permits.
- (4) Applicant shall be the only person working in the shop.
- (5) 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.
- (6) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (7) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (8) All work shall be done inside the building, and all storage of supplies shall be kept inside the building. No outside storage or work shall be permitted.
- (9) No junk, trash or debris shall be allowed to accumulate on the property.
- (10) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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 removed from the table S08-07, Randy Cosner, P.O. Box 609, Broadway, for a private aircraft runway and hangar on property located on the west side of Wentworth Drive (Route 873) approximately 1,700 feet southwest of Mayland Road (Route 259), Election District #1.

Supervisor Cuevas made the following statement:

In determining whether a special use permit should be approved in the A2 District, the Board must determine that the use is compatible with surrounding land uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest.

In reviewing Mr. Cosner's request for a private air strip on his property between Wentworth Drive and Daphna Road, I considered those factors.

I do not find that this request is compatible with the surrounding land uses. This request for an air strip is on property that is in very close proximity to densely populated residential areas within the town of Broadway as well as the high school and other scattered residences adjoining or in close proximity to the area of the request. If Mr. Cosner encountered problems with his airplane during take-off or landing, there is a strong possibility he would either crash into the populated areas in the town, the school or into one of the homes joining his property. I feel it is too close to these populated areas to be safe.

Additionally, I do not find this request is in the majority of the public interest.

For these reasons I make a motion for denial of this request.

Supervisor Kyger seconded Supervisor Cuevas' motion for denial of special use permit S08-07.

Supervisor Kyger noted that the Comprehensive Plan allows orderly growth and development in and around towns. He said since Mr. Cosner's property is close to the Town of Broadway, it is reasonable to expect Broadway might consider annexing that area in the future. He said Broadway would have to accept the zoning and land use decisions of the Board and incorporate an airstrip they may not want. In looking out

for the future growth and development in and around the Town of Broadway, Supervisor Kyger said the request should be denied.

Supervisor Breeden said there is an airstrip across from his home, which was built before the houses, and neighbors have concerns about planes flying over their homes. He said the Board should be careful in mixing residential developments and airstrips together.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board denied S08-07 special use permit request of Randy Cosner.

On motion by Supervisor Eberly, 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 removed from the table S08-09, Glenda J. Kesner, 162 South Avenue, Harrisonburg for a double-wide manufactured home on property located at the dead end of Shenk Drive (private) approximately 875 feet southwest of Kieffer Road (Route 876), Election District #2.

Supervisor Eberly said the Board reviewed the site and he does not consider a double-wide manufactured home compatible with the surrounding land use.

On motion by Supervisor Eberly, 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 denied S08-09 special use permit request of Glenda J. Kesner.

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COMMITTEE REPORTS.

AIRPORT COMMITTEE

Administrator Paxton reported that United Express flights began operating from Shenandoah Valley Airport on February 18, 2008. In researching airfares for the County, Administrator Paxton said he found Shenandoah Valley’s rates to be as reasonable as flying from Dulles or Charlottesville, and commended Greg Campbell, airport staff, and the Board of Shenandoah Valley Airport Commission for its work in completing the contract with United Express.

BUILDING AND GROUNDS COMMITTEE

Supervisor Eberly reported that the Building and Grounds Committee would like to purchase four poles and lights from JMU for \$4,000 and relocate this surplus athletic field sports lighting system from the former Harrisonburg High School Football Field to the Montevideo Middle School Athletic Field.

The bid summary for the relocation of the lighting system is as follows:

	Bid
Icon Sign & Lighting, Farmville, VA	\$78,205
Virginia Electrical Services, Inc., Daleville, VA	\$79,925
Broadway Electric, Inc., Broadway, VA	\$86,800

Funds are not budgeted for this \$82,205 project.

On motion by Supervisor Eberly, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board concurred with the Building and Grounds Committee’s recommendation to refer the purchase of the lights and installation of the system by the low bidder to the Finance Committee for consideration.

Supervisor Cuevas suggested the Director of Recreation and Facilities provide a summary of the importance of the lighting to the school and for County programs.

Administrator Paxton said he talked with Dr. Fenn and the County will receive adequate use of the field, if lights are installed. He said the County has priority to use the field after the middle school, unless there is an emergency need for the field by a County high school.

Supervisor Kyger stated Montevideo and Wilbur Pence are the only middle schools in Rockingham County without athletic field lights. He said in fairness to residents in that district, lights should be purchased for Wilbur Pence when an opportunity arises, particularly since Turner Ashby has no backup field. Administrator Paxton said he talked with Dr. Fenn about Pence’s field and there is some concern for lights at that location. Supervisor Kyger stated he would like to know the plans for Wilbur Pence before voting.

Supervisor Breeden indicated he would support having these lights installed at Wilbur Pence instead of Montevideo if Recreation and Facilities requested.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION COMMITTEE

Supervisor Cuevas said along with the Central Shenandoah Planning District Commission’s upgrade of the County ordinances as a whole, the County needs to revisit the land division ordinance to determine how to avoid the circumvention of the intent of land divisions. He said the County should not keep people from performing proper family divisions but needs to discourage land divisions by citizens who do not meet the proper requirements of the Comprehensive Land Use Plan.

Administrator Paxton clarified that subdivisions occurring on agriculturally-zoned land (primarily A-2) need to be tightened because people are finding loopholes.

Supervisor Kyger said the County needs to be compatible with federal tax code changes dealing with inheritance so estates can be settled efficiently.

VACO LIAISON COMMITTEE

Supervisor Kyger expressed his appreciation to Board members for making the Legislative Day in Richmond successful and stressed the importance of communicating with legislators.

OTHER

Supervisor Kyger reminded Board members of the meeting with Lancaster County farmers at Mrs. Rowe’s Country Buffet on March 18, 2008. He said farms in that area of Pennsylvania are economically and culturally similar to Rockingham County farms.

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CLOSED MEETING.

On motion by Supervisor Eberly, 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 recessed the meeting from 7:56 p.m. to 8:21 p.m., for a closed meeting pursuant to Section 2.2-3711(A)(7) for consultation with legal counsel and staff members pertaining to actual or probable litigation; and Section 2.2-3711(A)(5) for discussion concerning the expansion of an existing business or industry where no previous announcement has been made.

MOTION: SUPERVISOR KYGER
SECOND: SUPERVISOR CUEVAS

RESOLUTION NO: X08-03
MEETING DATE: FEB. 27, 2008

CERTIFICATION OF CLOSED MEETING

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

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

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

VOTE:

AYES: BREEDEN, CUEVAS, EBERLY, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 8:22 p.m.

_____,
Chairman