

April 28, 2010

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 28, 2010 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
JEREMY C. HOLLOWAY, Fire & Rescue Assistant Chief
GRETCHEN M. SALLAH, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

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

Administrator Paxton gave the Invocation and led the Pledge of Allegiance.

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WELCOME OF SUPERINTENDENT AND STUDENTS.

Chairman Cuevas welcomed School Superintendent Carol S. Fenn and students from Turner Ashby and Spotswood High Schools.

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APPROVAL OF MINUTES.

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of April 14, 2010.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department including status reports on several road projects and ongoing maintenance.

Mr. Komara also discussed adding a rural road – Farren Lane (Route 945) into the transportation department's secondary road system. He received the necessary waiver for the 30-foot wide roadway and felt that the addition of the road would not adversely impact the maintenance schedule.

On behalf of Chairman Cuevas, on motion by Supervisor Kyger, 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:

RESOLUTION

WHEREAS, the Harrisonburg Residency Office of the Virginia Department of Transportation (VDOT) recommends that the street referenced in this Board's resolution be added to the secondary system of state highways as a no cost rural addition pursuant to Section 33.1-229 and Commonwealth Transportation Board policy, because, according to VDOT, the street meets current minimum standards, the condition of the existing surface is serviceable, the street has provided continuous public service for many years since its establishment and currently serves more than five (5) occupied residential dwellings.

WHEREAS, the Harrisonburg Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the street described on the attached additions form AM-4.3 to meet current minimum design or maintenance standards of the Department.

NOW, THEREFORE, BE IT RESOLVED, this Board, pursuant to the recommendations of VDOT, requests that the Virginia Department of Transportation add the street described on the attached additions form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation.

BE IT FURTHER RESOLVED, this Board, based on title work performed by VDOT staff, guarantees a clear and unrestricted right of way, as described on the attached form AM-4.3, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Supervisor Kyger announced the County and City have been awarded approximately \$500,000 for three Safe Routes to School grants for sidewalks, a pedestrian traffic signal and other construction to tie the route into the existing sidewalks at Mountain View Elementary School.

In response to an inquiry from Supervisor Kyger, Mr. Komara said the transportation department would mitigate the dust on Horeb Church Road (Route 732) and continue discussions with landowners on Airport Road (Route 727) to plan for future road improvements.

Supervisor Eberly briefly discussed with Dr. Fenn and Mr. Komara improvements and the possible rerouting of buses on Chrisman Road (Route 771) to avoid hazardous driving conditions around a dangerous curve.

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RECOGNITION – DEPARTMENT OF FIRE AND RESCUE.

Assistant Chief Jeremy Holloway informed the Board that the Fire and Rescue Department received the Call of the Year Award from AirCare 5 for their response during an incident July 6, 2009, when a 500-pound stone mantle collapsed atop an 8-year-old boy. Personnel from the Bridgewater area responded quickly and used advanced life support on the child who was then airlifted by helicopter to the

University of Virginia (UVA) for further treatment. The child's condition initially was grave, but after 24 hours the child showed improvement and in six months had made a significant recovery. Currently he is back at school and playing sports, Assistant Chief Holloway reported. The doctors at UVA attributed much of his success to the early advanced life support and treatment that he received. Special thanks went to Lt. Steve Powell, Fiona Albertson, David Huddle, Jeremy Ramsey and Clay Shifflett.

Chairman Cuevas congratulated the Fire and Rescue personnel for their honor and thanked them for their service to the County.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated April 23, 2010. Administrator Paxton briefly discussed with the Board the scoping notice for the prescribed burning of approximately 2,435 acres within the George Washington and Jefferson National Forests. One site is on Grindstone Mountain near the Augusta County line and the other site is Spruce Ridge near Hone Quarry.

According to the Forest Service notice, the prescribed burning adheres to the Land Resource Management Plan (Forest Plan) with the purpose of *maintaining or re-establishing natural ecosystems, perpetuating a mosaic of plant communities, suppressing or eliminating undesirable weeds and wood vegetation, reducing fuel accumulation, improving wildlife habitat, and increasing habitat diversity.*

Administrator Paxton discussed with the Board several committee appointments that were expiring in June.

Administrator Paxton informed the Board of a meeting with Delegate Steve Landes and updated them on the status of the proposed partnership between the School Division and Big Brothers Big Sisters (BBBS) to apply for a \$5,000,000 grant. Administrator Paxton clarified that the \$1 million match to the grant would be met with in-kind services from Big Brothers Big Sisters.

Administrator Paxton announced that Wayne Peer, Fire and Rescue Instructor at Massanutten Technical Center (MTC), was named Teacher of the Year by his peers

at MTC. He thanked Mr. Peer for his outstanding contributions to the Fire and Rescue program at MTC and for creating a future workforce for the area. One of the program graduates was involved in the AirCare 5 Call of the Year Award that Assistant Chief Holloway discussed earlier in the meeting.

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SCHOOL DIVISION BUDGET FOR FY 2010-2011.

Supervisor Kyger made the following statement for the record:

1. TRANSACTION INVOLVED: Consideration and adoption of a school budget.
2. NATURE OF PERSONAL INTEREST IN THE TRANSACTION: I am an employee of the Rockingham County School Board. Therefore, I am affected by this Board's decisions concerning school funding and similar issues.
3. As a teacher, I am a member of an occupation the members of which are affected by the transaction specified in paragraph 1.
4. I am able to participate in the transaction fairly, objectively, and in the public interest.

Administrator Paxton noted that the Board held a public hearing on the FY 2010-2011 budget on Wednesday, April 14, 2010 at Turner Ashby High School. The reason that the Board is considering the school-related budget items this evening is to meet the state requirement that the County notify the School Board no later than May 1 of the amount to be approved for school purposes.

On motion by Supervisor Breeden, seconded by Supervisor Eberly, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE and KYGER - AYE; the Board approved the budget for the Rockingham County School Division for FY 2010-2011, including a transfer from the General Fund to the School Fund of \$45,022,930. The budget approved at this time does not include the debt service for school purposes, which is required by Governmental Accounting Board Standards to be accounted for in the General Fund. The total amount of debt service for schools for FY 2010-2011 is \$10,880,880. The balance of the County budget will be considered at a meeting on Wednesday, May 5, 2010.

**COUNTY OF ROCKINGHAM, VIRGINIA
SCHOOL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2010**

REVENUES

	BUDGETED FY 2009-10	AMENDMENTS FY 2009-10	AMENDED FY 2009-10	BUDGETED FY 2010-11
School Capital Projects Fund	36,251,106	(1,646,668)	34,604,438	7,280,320
School Fund	112,165,066	19,514	112,184,580	107,714,892
School Cafeteria Fund	5,099,975	0	5,099,975	5,127,017
School Textbook Fund	851,650	0	851,650	580,000
Massanutten Technical Ctr	4,975,953	0	4,975,953	4,750,615
TOTAL SCHOOL REVENUES	\$159,343,750	\$(1,627,154)	\$157,716,596	\$125,452,844

EXPENDITURES

	BUDGETED FY 2009-10	AMENDMENTS FY 2009-10	AMENDED FY 2009-10	BUDGETED FY 2010-11
School Capital Projects Fund	36,251,106	(1,646,668)	34,604,438	7,280,320
School Fund	112,165,066	19,514	112,184,580	107,714,892
School Cafeteria Fund	5,099,975	0	5,099,975	5,127,017
School Textbook Fund	851,650	0	851,650	580,000
Massanutten Technical Center	4,975,953	0	4,975,953	4,750,615
TOTAL SCHOOL EXPENDITURES	\$159,343,750	\$(1,627,154)	\$157,716,596	\$125,452,844

Chairman Cuevas thanked Dr. Fenn for her working relationship with the Board.

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COMMITTEE REPORTS.

Chairman Cuevas called for the Finance Committee report.

FINANCE

Supervisor Breeden reviewed the following:

Southern Health Partners submitted a proposal dated April 13, 2010, for renewal of the Medical Services contract for the Rockingham County Jail. If approved, this renewal will be the final renewal of four one-year renewal periods provided in Section II, 2.9 of the previously-approved contract. Southern Health Partners has proposed a two percent price increase for the next contract period. The Sheriff recommends approval of the renewal as proposed.

The County will request proposals in the February – March 2011 time frame for the new contract period, which begins July 1, 2011.

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 authorized the contract renewal with Southern Health Partners to provide medical services for inmates at the Rockingham County Jail for the period July 1, 2010 through June 30, 2011 at a two percent increase in rates over the current period.

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 the following General Fund supplemental appropriation as recommended by the Finance Committee:

A supplemental appropriation of \$2,332 for overtime costs associated with the Rockingham County Technical Rescue Team response to the Town of Shenandoah during the snow storm in February 2010. These funds have been received from Page County, and therefore, no local funds are required.

Supplemental Appropriation: \$2,332

\$2,332	GL Code: 001-03201-000-1200-000	Overtime Cost
\$2,332	GL Code: 001-01803-0206	Charges for Personnel Services

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 the following

General Fund supplemental appropriation as recommended by the Finance Committee:

A supplemental appropriation of \$9,090 for the receipt of more funds than originally budgeted in this year's Fire Programs Fund.

Supplemental Appropriation: \$9,090

\$9,090 GL Code:001-03201-900-6065-000 Minor Equipment – Fire Programs Fund
\$9,090 GL Code:001-02404-0900 State Revenue – Fire Programs Fund

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 rescinded its award approved on March 24, 2010, and awarded the contract to audit records for the fiscal year ending June 30, 2010 to PBGH at a contract amount of \$125,000.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated April 28, 2010.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated April 28, 2010.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ09-62, Mountain View Apartments, P.O. Box 24, Bridgewater, to rezone 10.04 acres from A2 (General Agricultural) to B1-C (General Business with Conditions), 11.68 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions), and .47-acre from R3 (General Residential) to B1-C (General Business with Conditions) on tax parcel 125-(A)-L3. The site is located on the west side of Port Republic Road (Route 253) and approximately .3-mile north of Stone Spring Road (Route 726) in Election District #3. The Comprehensive Plan designates this area as Community Residential. R3 zoning allows single-family detached dwellings,

two-unit attached dwellings, townhouses, and apartments. Proffers have been submitted which address landscaping, open space, buffering, parking, building design, and the site's road layout. The Board tabled this request January 27, 2010.

In response to Supervisor Floyd's inquiry, Ms. Henderson stated that the applicant has revised the proffers to limit the construction rate to no more than 30 dwelling units per calendar year; gross density shall not exceed 9.5 units per acre in the aggregate designated area; and, construction shall be limited to townhouse and two-unit attached dwellings. No apartments will be built in this development.

Based upon the changes in the R3 section of the development as stipulated by the applicant, Supervisor Floyd made the following motion, 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, subject to the following proffers, RZ09-62, Mountain View Apartments, P.O. Box 24, Bridgewater, to rezone 10.04 acres from A2 (General Agricultural) to B1-C (General Business with Conditions), 11.68 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions), and .47-acre from R3 (General Residential) to B1-C (General Business with Conditions) on tax parcel 125-(A)-L3.

Proffers:

Ashby Meadows (B1)

Roadways

1. Only one access shall be allowed from Port Republic Road. The access shall be located opposite of Rosedale Drive.
2. For the entrance from Port Republic Road, a signal warrant analysis shall be performed by the developer when required by VDOT. When the warrants are met, the developer or the owners of lots served by the entrance shall design and install a traffic signal at their expense.

General Business District (B1)

1. Not less than fifteen (15) percent of the total B1 acreage shall be devoted to open space.
2. At least two-thirds of the required fifteen (15) percent of open space shall have slopes of less than a twenty (20) percent grade.
3. A strip of land, not less than twenty-five (25) feet wide, shall be located along the perimeter of the B1 zoned property where the subject property adjoins any other zoning district. This strip shall be landscaped and maintained to provide screening as defined in the Rockingham County Code in effect when first building permit is issued. No such strip shall be

required where the subject property adjoins the Port Republic Road right-of-way.

4. The project shall have a Property Owners' Association responsible for architectural control, parking, landscaping, signs, storm water management maintenance.
5. All parking lots shall contain interior and perimeter planting areas, which include not less than one (1) shade tree, at least two (2) inches in caliper and having a clear trunk height of at least five (5) feet, for every eight (8) spaces of impervious parking surface.
6. Planting islands, a minimum of nine (9) feet wide, shall be provided between every fifteen (15) to twenty (20) spaces. Each of these planting islands shall have a least one (1) shade tree, at least two (2) inches in caliper and having a clear trunk height of at least five (5) feet.
7. All buildings to be of brick, stone or stucco or a combination.
8. All buildings to be designed to have two fronts. One front shall face east towards Port Republic Road. The other front shall face west.
9. No individual lots shall have access to Port Republic Road.
10. For lots which front on Port Republic Road, all off-street parking shall be located on the side of the building or in the rear of the building, between the building and Port Republic Road.
11. The following uses shall be prohibited in the B1 area: fruit packing plant; golf driving range; auto sales lot; auto service station, vehicular fuel pumps; auto dealership; public garage; bus station; sale of travel trailers, manufactured homes, campers; water filling station, natural source; water hauling; machine, welding, or blacksmith shop; machinery sales and service; monument works and sales.
12. Mountain View Property Rezoning conceptual sketch dated July 15, 2009 as submitted; subject to such modifications as are required by topographical, drainage, engineering and related final site plan issues, included, but not limited to street layout, property lines, sidewalk configuration and storm water management.

**Ashby Meadows (R3):
Roadways**

1. A connection shall be made to Skylark Lane.
2. A minimum of one street shall connect the B I zoned portion to the adjoining property along the B I's southern border with the parcels more specifically identified as Tax Maps 25-A-L14, 125-A-L6A, and 125-A-L4.
3. A minimum of one street shall connect the R3 zoned portion to the adjoining property along the R3's southwestern border adjoining the parcel more specifically identified as Tax Map No. 125-(A)-8B.

General Residential District (R3)

1. All residential uses shall have covenants and Property Owners' Associations.
2. A strip of land not less than twenty (20) feet wide shall be located along the perimeters of the project when the subject property adjoins single family residential property. No such strip shall be required where single family detached or two unit attached housing adjoin single family housing in the City of Harrisonburg. Any strip shall be landscaped and maintained to provide screening which shall consist of a double staggered row of evergreen trees planted fifteen (15) feet on center or a double staggered row of large growing evergreen shrubs planted ten (10) feet on center which vegetation can be modified to include existing perimeter vegetation or a fence or wall screening provided it shall be a minimum of six (6) feet in height.
3. The project shall have a Property Owners' Association responsible for architectural control, parking, landscaping, signs, storm water management maintenance.
4. The following shall be prohibited in the R3 area: fraternity or sorority houses, water filling stations, natural sources and water hauling.
5. Any residential units to be constructed in the R3 designated area shall be town houses or two unit attached dwellings. Gross density shall not exceed 9.5 units per acre in the aggregate for the designated area. Construction of no more than 30 dwelling units shall commence in any one calendar year.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Robert Symons’ staff report dated April 21, 2010.

In Chief Symons’ absence, Deputy Chief Holloway informed the Board the Virginia Department of Emergency Management has allocated \$21,666.66 from the 2009 State Homeland Security Grant for the purchase of hazardous materials equipment for the County. This is a fully-funded federal grant with no local match. Board action is required to authorize the County Administrator to sign the application and associated paperwork.

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 authorized the County Administrator to sign the application and documentation for the 2009 State Homeland

Security Grant allocation of \$21,666.66 from the Virginia Department of Emergency Management for the purchase of hazardous materials equipment.

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PUBLIC HEARING – VDOT SECONDARY SIX-YEAR IMPROVEMENT PLAN FOR FISCAL YEARS 2010-2011 THROUGH 2015-2016, AND SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2010-2011.

Chairman Cuevas called the public hearing to order at 6:39 p.m. to receive comments on VDOT's proposed Secondary Six-Year Improvement Plan for Fiscal Years 2010-2011 through 2015-2016, and the Secondary System Construction Budget for Fiscal Year 2010-2011.

Mr. Komara discussed and reviewed with the Board numerous projects on the Six-Year Plan and the critical shortage of funding. He informed them that several local bridge projects would be completed with federal funding.

Administrator Paxton requested clarification on the funding for the Southeast Connector and expressed the County's desire to move forward to connect with the City's improved portion of Port Republic Road near the new Rockingham Memorial Hospital campus.

Chairman Cuevas asked if anyone would like to speak about the transportation plan.

Steve Tomasi identified himself as a County resident and member of the Shenandoah Valley Bicycling Coalition Advisory Board and Chairman of the DR100. The DR100, he explained, is a memorial and charity bicycling and running event honoring Dr. Joseph Mirenda, who was killed when a car hit him while riding on Port Republic Road last year, and Sherry Anderson, who was also hit by a car while running on South Main Street. A portion of the proceeds will go toward painting bike lanes on the roadway on South Main Street between Cantrell Avenue and Miller Circle in the City and to establish a James Madison University scholarship.

He asked the Board to keep the cyclists and runners in mind when making road improvements and add signage and bike lanes wherever possible. He suggested when roads are wide enough, striping be added for bike lanes.

Supervisor Kyger agreed that when roads are improved the transportation department should look at bicycling and horse and buggy lanes. He hoped that as funding was available, they could continue to do these projects.

Mr. Komara pointed out that a multi-use trail is incorporated into the road improvements at the new hospital.

Chairman Cuevas suggested the revised subdivision ordinance require developers to incorporate sidewalks and bike lanes in their plans.

Chairman Cuevas ended the public hearing and reconvened the regular meeting at 6:54 p.m.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the Secondary Six-Year Improvement Plan for Fiscal Years 2010-2011 through 2015-2016 and the Secondary System Construction Budget for Fiscal Year 2010-2011 as follows:

**Secondary System Rockingham County
Construction Program
Estimated Allocations**

Fund	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	Total
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TeleFee	\$223,506	\$221,758	\$221,758	\$221,758	\$221,758	\$221,758	\$1,332,296
Residue Parcel	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP – Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP – Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$223,506	\$221,758	\$221,758	\$221,758	\$221,758	\$221,758	\$1,332,296

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COMMITTEE APPOINTMENTS.

Supervisor Breeden and Ms. Henderson discussed with the Board their recommendation to reappoint Carolyn Breeden to the Blue Ridge Committee for Shenandoah National Park Relations/Related Lands. She was appointed last year to fill an unexpired term which is set to expire on June 30, 2010.

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed Carolyn

Breeden to the Blue Ridge Committee for Shenandoah National Park Relations/Related Lands for a four-year term to expire on June 30, 2014.

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JOINT PUBLIC HEARING WITH THE TOWN OF ELKTON – BOUNDARY LINE ADJUSTMENT.

At 7:00 p.m., Chairman Cuevas welcomed the Elkton Town Council to the Board Room for a joint public hearing to discuss a boundary line adjustment between the two localities. The Elkton Town Council having been called into session by its Mayor, Mayor Larry Bompiani introduced the Councilmembers to the Board. The following members were present: M. Lee Dearing, Vice Mayor; Margaretta Isom; Harry Armbruster; D. Gene Kite; Phillip Workman, II; and Randell Snow.

County Attorney Miller and Town Attorney Lauri Sigler reviewed the boundary line adjustment. The request from BPML Properties LLC is to allow a 55.146 acre parcel adjacent to the Elkton Plaza be incorporated as part of the Town of Elkton. The property is served by water and sewer service from the Town. If approved, the boundary line will be relocated to the western and northern boundary of the 55.146 acre portion of Tax Map Parcel 130-(A)-19, resulting in the parcel being located entirely within the Town of Elkton.

After some discussion, there was a consensus, July 1, 2010, be the effective date for the boundary line adjustment to be executed. This date is pending approval by the Circuit Court.

Pete Bonavita, owner of BPML Properties, thanked the Board and Town Council for their approval and assistance with developing the property and utilities needed.

No one spoke in opposition to this request.

Chairman Cuevas closed the joint public hearing and reconvened the regular meeting at 7:08 p.m.

Councilwoman Isom, representing the Town of Elkton, read a resolution to the Board advising that the Elkton Town Council had taken action to authorize the boundary line adjustment.

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

EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following agreement authorizing the boundary line adjustment as requested by the Town:

AGREEMENT TO CHANGE BOUNDARY LINE

This Agreement, made on April 28, 2010, by and between the County of Rockingham of the Commonwealth of Virginia, a Virginia political subdivision (“County”), and the Town of Elkton, Virginia, a Virginia municipal corporation (“Town”),

RECITALS:

A. The boundary line between the County and the Town presently lies west of Section 1 of the Elkton Plaza Subdivision and Section Four of the Quail Run Subdivision, and east of the 55.146 acre parcel owned by BPML Properties, LLC, as described on EXHIBIT A, attached to and made a part of this Agreement, which exhibit is a plat of a survey dated February 4, 2010, made by Jerry L. Sheffer, L. S. (the Plat). The subject real estate lies on the north side of Spotswood Trail (Route 33).

B. As shown on the Plat, the boundary line is situated so that the 55.146 acre parcel belonging to BPML Properties, LLC is in the County.

C. BPML Properties, LLC desires its 55.146 acre parcel be within the Town of Elkton and that it have water and sewer service from the Town.

D. The County and the Town, pursuant to authority granted to each of them under Title 15.2, Chapter 31, Article 2 of the Code of Virginia (1950), as amended, have agreed to change the boundary line between them at the subject parcels in order that the Town may provide water and sewer service to these parcels. The County and Town wish to set forth their agreement herein.

Now, therefore, in consideration of the premises and the benefits inuring to the parties herefrom, it is therefore mutually agreed as follows:

1. The boundary line between the Town and the County, which currently runs along the western boundary of Quail Run Subdivision Section Four and the western boundary of Elkton Plaza Subdivision Section 1, shall be relocated to the western and northern boundary of the 55.146 acre portion of Tax Map Parcel 130-(A)-L9, resulting in the 55.146 acre parcel henceforth being located wholly within the Town of Elkton, all as shown on Exhibit A.

2. This boundary line adjustment is contingent upon and shall be effective upon the approval by the Circuit Court of Rockingham County, pursuant to

§§ 15.2-3106 *et seq.* of the Code of Virginia (1950), as amended, as set forth in a final order establishing the new boundary, recorded in the land records and indexed in the names of the parties.

3. The parties shall jointly petition the Rockingham County Circuit Court to approve this agreement and establish the new boundary within a reasonable time following the execution of this agreement.

4. The Town agrees to provide the area within the extended boundary with sewer, water and all other Town services upon the effective date of the boundary change.

5. The Town shall bear the expense of the advertisement of the intention of both parties to approve this agreement, any survey costs or plat preparation charges, the filing fee for the petition to the Circuit Court to approve this agreement, all legal expenses related to the boundary line adjustment, including reasonable fees of the County Attorney, and any miscellaneous fees or charges necessary to accomplish the boundary line adjustment. The Town shall prepare all joint notices and pleadings required, subject to the review and approval of the County.

6. This agreement was authorized by resolution of the Board of Supervisors of Rockingham County at its meeting held on April 28, 2010, after a public hearing on April 28, 2010, was held on this agreement, following advertisement thereof, as required by law.

7. This agreement was authorized by resolution of the Town Council of the Town of Elkton at its meeting held on April 28, 2010, after a public hearing on April 28, 2010, was held on this agreement, following advertisement thereof, as required by law.

COUNTY OF ROCKINGHAM OF THE COMMONWEALTH OF VIRGINIA

By: _____
Chairman of the Board of Supervisors

TOWN OF ELKTON, VIRGINIA

By: _____
Mayor

BOUNDARY DESCRIPTION
55.146 ACRE BOUNDARY LINE ADJUSTMENT
BETWEEN THE TOWN OF ELKTON AND ROCKINGHAM COUNTY
PRESENTLY IN THE NAME OF BPML PROPERTIES, LLC
STONEWALL DISTRICT, ROCKINGHAM COUNTY, VIRGINIA

Beginning at an iron pin, a corner of Lot 2, Section 1, Elkton Plaza Subdivision in the northern right-of-way line of Spottswood Trail (Route 33), a corner to the existing Corporate Limits of the Town of Elkton; thence with said line of Spottswood Trail along a curve to the left (Radius = 3874.72 Feet, Central Angle = $4^{\circ}38'14''$, Tangent = 156.89 feet, Chord = $S67^{\circ}47'22''W$ 313.52 feet) with an arc of 313.60 feet to an iron pin, a corner to Lam Living Trust; thence leaving said Spottswood Trail with three lines of said Lam Living Trust $N35^{\circ}03'08''W$ 245.34 feet to an iron pin, $S63^{\circ}35'52''W$ 295.40 feet to an iron pin, $S52^{\circ}22'22''W$ 188.81 feet to an iron pin, in the line of Gooden; thence leaving said Lam Living Trust with said Gooden, Simmons, Kirtley, and Miller respectively $N38^{\circ}04'38''W$ 693.49 feet to an iron pipe, a corner to said Miller; thence continuing with two lines of said Miller $N44^{\circ}19'32''W$ 153.59 feet to an iron pin, $S54^{\circ}50'56''W$ 299.64 feet to a point in the center of Route 829; thence leaving said Miller with said center of Route 829 $N50^{\circ}15'18''W$ 38.10 feet to a point, a corner to Sandridge; thence leaving said Route 829 with said Sandridge $N0^{\circ}20'46''W$ 158.26 feet to an iron pin, a corner to a cemetery; thence leaving said Sandridge with three lines of said cemetery $N88^{\circ}25'23''E$ 32.67 feet to a post, $N2^{\circ}28'45''W$ 51.15 feet to a point, $S88^{\circ}25'23''W$ 30.77 feet to a point, a corner to said Sandridge; thence leaving said cemetery with two lines of said Sandridge $N0^{\circ}20'46''W$ 200.08 feet to a point, $S83^{\circ}09'14''W$ 285.36 feet to a point in the eastern right-of-way line of Route 979; thence leaving said Sandridge with five lines of said Route 979, along a curve to the left (radius = 1835.70 feet, central angle = $1^{\circ}44'20''$, tangent = 27.86 feet, chord = $N25^{\circ}10'26''W$ 55.71 feet) with an arc of 55.71 feet to an iron pin, $N26^{\circ}02'36''W$ 108.42 feet to an iron pin, along a curve to the right (radius = 206.75 feet, central angle = $28^{\circ}02'39''$, tangent = 51.63 feet, chord = $N12^{\circ}01'16''W$ 100.19 feet) with an arc of 101.20 feet, $N2^{\circ}00'03''E$ 74.08 feet to an iron pin, along a curve to the left (radius = 478.50 feet, central angle = $16^{\circ}04'50''$, tangent = 67.59 feet, chord = $N6^{\circ}02'22''W$ 133.85 feet) with an arc of 134.30 feet to a point, a corner to Monger; thence leaving said Route 979 with four lines of said Monger $N85^{\circ}50'34''E$ 784.05 feet to an iron pin, $N21^{\circ}51'37''E$ 249.00 feet to an iron pin, $N62^{\circ}51'37''E$ 445.83 feet to an iron pin, $N69^{\circ}29'07''E$ 553.16 feet to a point, a corner to Hensley, King Construction, Inc. and said existing Corporate Limits of the Town of Elkton; thence leaving said Monger and Hensley with said King Construction, Inc. and said Town of Elkton $S33^{\circ}33'24''E$ 889.87 feet to an iron pin, a corner to Lot 4, Section 1, Elkton Plaza Subdivision; thence leaving said King Construction, Inc. with said Lot 4 and said Town of Elkton $S51^{\circ}32'11''W$ 879.63 feet to an iron pin; thence continuing with said Lot 4 and said Lot 2, Section 1, Elkton Plaza Subdivision respectively and said Town of Elkton $S38^{\circ}27'49''E$ 725.70 feet to the beginning, containing 55.146 acres.

Chairman Cuevas thanked the Mayor for the working relationship with the Town of Elkton. Mayor Bompiani thanked the Board as well.

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PUBLIC HEARING – ORDINANCE AMENDMENT.

At 7:16 p.m., Chairman Cuevas opened the public hearing for discussion on the following ordinance amendment:

Ms. Henderson reviewed the request of Janet Wetzel to add 22.21 acres to the Dry River Agricultural and Forestal District. The Planning Commission recommended approval on April 6, 2010, concurring with staff's recommendation stating: *This addition would meet the intent of the District, which is to strengthen the existing agricultural community in order to ensure its continued economic viability.*

No opposition was expressed.

Chairman Cuevas closed the public hearing and reconvened the Board's regular meeting at 7:18 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved OA-73, An amendment to Chapter 17, Zoning Ordinance, Article XI, Division 4, Section 17-240, Dry River Agricultural and Forestal District, to add a 22.21-acre tax parcel, 105-(A)-L148, pursuant to Code of Virginia, Section 15.2-4310. This tax parcel is currently owned by Janet Wetzel.

**ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 17-240
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17 - 240. "Description of district" be and hereby is repealed and re-enacted as follows:

Section 17 – 240. Description of district.

The Dry River Agricultural and Forestal District shall consist of the following land:

6,384 acres, more or less, generally located south of Hinton, west of John Wayland Highway (Rt. 42), east of Ottobine, and north of the Town of Bridgewater, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as:

91 (8) 1, 91 (8) 1A, 91 (8) 2, 91 (8) 3, 91 (A) 69, 91 (A) 71, 91 (A) 81, 105 (2) 1, 105 (2) 2, 105 (A) 82D, 105 (A) 148, 105 (A) 150, 105 (A) 150A, 105 (A) 152, 105 (A) 153, 105 (A) 154, 105 (A) 155, 105 (A) 156, 105 (A) 164, 105 (A) 165, 105 (A) 167, 105 (A) 171, 105 (A) 172A, 105 (A) 172B1, 105 (A) 172C, 105 (A) 173A, 105 (A) 178A, 105 (A) 178B, 105 (A) 183F, 106 (1) 1, 106 (1) 2, 106 (1) 2B, 106 (1) 2B1, 106 (A) 2A, 106 (A) 3, 106 (A) 4, 106 (A) 6, 106 (A) 10, 106 (A) 17, 106 (A) 18, 106 (A) 21, 106 (A) 25, 106 (A) 25A, 106 (A) 27, 106 (A) 28, 106 (A) 30, 106 (A) 31, 106 (A) 32, 106 (A) 33, 106 (A) 34A, 106 (A) 35, 106 (A) 35A, 106 (A) 36, 106 (A) 37, 106 (A) 45, 106 (A) 46, 106 (A) 46B, 106 (A) 47, 106 (A) 47A, 106 (A) 49, 106 (A) 49A, 106 (A) 52A1, 106 (A) 53, 106 (A) 62B, 106 (A) 69, 106 (A) 70, 106 (A) 70A, 106 (A) 71, 106 (A) 73, 106 (A) 74, 106 (A) 75, 106 (A) 76, 106 (A) 80, 106 (A) 80A, 106 (A) 80B, 106 (A) 91, 106 (A) 92, 106 (A) 93, 106 (A) 94, 106 (A) 95, 106 (A) 96, 106 (A) 97, 106 (A) 98, 106 (A) 98A, 106 (A) 99A, 106 (A) 101, 106 (A) 101A, 106 (A) 105, 106 (A) 107, 106 (A) 108, 106 (A) 120, 106 (A) 127, 106 (A) 127B, 106 (A) 128A, 106 (A) 129, 106 (A) 129A, 106 (A) 130, 106 (A) 132, 106 (A) 132A, 106 (A) 133, 106 (A) 134, 106 (A) 136, 106 (A) 136B, 106 (A) 137, 106 (A) 140, 106 (A) 141, 106 (A) 141A, 106 (A) 142, 106 (A) 144, 106 (A) 146, 106 (A) 147, 106 (A) 148, 106 (A) 149, 106 (A) 149B, 106 (A) 150A, 106 (A) 151, 106 (A) 152, 106 (A) 153, 107 (A) 86, 107 (A) 88, 107 (A) 88B, 107 (A) 90, 107 (A) 91, 107 (A) 91, 107 (A) 92, 107 (A) 95, 107 (A) 96, 107 (A) 98, 107 (A) 100, 107 (A) 102, 107 (A) 103, 107 (A) 104C, 107 (A) 105, 107 (A) 106, 107 (A) 107, 107 (A) 108, 107 (A) 109, 107 (A) 112, 107 (A) 116, 107 (A) 117, 107 (A) 118, 107 (A) 122A1, 107 (A) 122C, 107 (A) 123A, 107 (A) 130B, 107 (A) 131, 107 (A) 133A, 107 (A) 144, 107 (A) 144B, 107 (A) 149, 107 (A) 150, 122 (4) 1, 122 (4) 1A, 122 (4) 2, 122 (4) 3A, 122 (4) 4B, 122 (4) 5, 122 (5) 1, 122 (5) 2, 122 (5) 3, 122 (A) 1, 122 (A) 1C, 122 (A) 28, 122 (A) 33, 122 (A) 34A, 122 (A) 77, 122 (A) 78, 122 (A) 80, 122 (A) 85A, 122 (A) 85B, 122 (A) 87, 122 (A) 94B, 122 (A) 94B1, 122 (A) 94B2, 122 (A) 98, 122 (A) 107A, 122 (A) 107B, 122 (A) 109, 122 (A) 110, 122 (A) 111, 122 (A) 132, 122 (A) 133, 122 (A) 134, 122 (A) 136, 122 (A) 137, 122 (A) 142, 122 (A) 148, 122 (A) 148A, 122 (A) 149, 122 (A) 150, 123 (1) 1, 123 (1) 1B, 123 (1) 2C, 123 (A) 8, 123 (A) 8A, 123 (A) 23C1, 123 (A) 24, 122 (A) 85, 122 (A) 88, 122 (A) 104, 105 (A) 122, 105 (A) 67, 105 (A) 69, 105 (A) 51, 105 (A) 70, 105 (A) 71, 105 (A) 72, 105 (A) 121,

106 (A) 81, 106 (A) 82, 105 (A) 175, 105 (A) 177, 104 (2) 1, 105 (A) 173, 105 (A) 151, 105 (A) 74, 105 (A) 65A, 105 (A) 66, 105 (A) 76, 105 (A) 149, 105 (A) 149A, 90 (A) 128, 90 (A) 135, 90 (A) 136, 90 (A) 137, 122 (A) 114, 106 (A) 72, 122 (A) 147A, 122 (A) 144A1, 122 (A) 145C, 122 (A) 144, 122 (A) 144A2, 122 (A) 145, 122 (A) 145A, 105 (A) 169, 105 (A) 176, 105 (A) 189B, 105 (A) 190, 105 (A) 191, 104 (A) 149A, 104 (A) 149C, 104 (A) 152, 91 (A) 214A, 106 (A) 121, 106 (A) 124, 107 (A) 2A6, 107 (A) 83, 107 (A) 85, and 107 (A) 82.

This ordinance shall be effective from the 29th day of April, 2010.

Adopted the 28th day of April, 2010.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

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ADJOURNMENT.

Chairman Cuevas adjourned the meeting at 7:23 p.m.

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Chairman