

June 9, 2010

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 9, 2010, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

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

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

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

Supervisor Floyd gave the Invocation and County Attorney Miller led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

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 approved the minutes of the regular meeting of May 26, 2010.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department which included updates on several road projects including Port Republic Road (Route 253) and changes to the new hospital entrance on Reservoir Street. Motorists may experience some congestion in the area until the roadwork is finished. He also updated the Board on the Bergton Road (Route 820) project and ongoing routine maintenance.

Administrator Paxton and the Board discussed with Mr. Komara the County's Interstate, Primary and Urban Transportation 2010 Prioritized Needs List. Administrator Paxton reported the Southeast Connector project has become the first priority road project followed by the section of Port Republic Road from Boyers Road (Route 704) to Cross Keys Road (Route 276) and then the proposed Bridgewater Connector. The remaining items on the list have not changed in their priority.

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 2010 Prioritized Needs List as outlined below:

1. Harrisonburg Southeast Connector (Stone Spring Road)

This project will entail construction of a four lane road from the eastern Harrisonburg city limits to U.S. Route 33 (Spotswood Trail). The project would begin on existing U.S. Route 726 (Stone Spring Road) at the eastern City limits and end at State Route 33 (Spotswood Trail) southeast of State Route 704 (Boyers Road). This project will be mostly on new location. The road will have "controlled access," that is, access only at intersecting roadways and at property entrances to be determined. With this alignment the intersection of State Route 704 with U.S. Route 33 will be relocated southeast about 1,200 feet. The existing intersection of State Route 710 (Ridgedale Road) and Reservoir Street with State Route 253 (Port Republic Road) will be eliminated, with both connecting to the new road. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

2. **Route 253 – Port Republic Road**

This project will entail widening from two lanes to four lanes from State Route 704 (Boyers Road) to State Route 276 (Cross Keys Road). The project would extend the widening of Route 253 (Port Republic Road), which is under construction from the City to State Route 704 (Boyers Road). Growth pressures along this road have created a need for increased capacity to handle traffic. The project would improve road conditions and increase safety for the residential and business traffic that use this as a primary access from Interstate 81 and U.S. 11 (South Main Street in Harrisonburg) to State Route 276 (Cross Keys Road). The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

3. **Route 42 to Route 11/257 Bridgewater Connector**

This project will entail constructing a four-lane controlled access road from State Route 42 (John Wayland Highway), just north of Turner Ashby High School, east to the Mt. Crawford area. The link would provide direct access to Interstate 81 at Exit 240. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

4. **Route 340 – North East Side Highway**

This project extends the widening of Route 340 (North East Side Highway) from two to four lanes from the Elkton town limits to the Page County limits. The project would improve the safety of this corridor and allow for the continued growth in the Elkton and Page County area. The 2008 traffic count for the 3.3 mile section from the northern town limits of Elkton to the Page County line was 6,400 vehicles per day.

5. **Route 259 – Mayland Road:**

This project entails the widening of Route 259 (Mayland Road) from two to four lanes from 0.2 mile east of Route 1419 (Winsinger Drive) to Route 11 (North Valley Pike). This upgrade would improve current road conditions that carry heavy truck traffic to local industries and provide four lanes of direct access to the Broadway/Timberville area from Interstate 81. The 2008 traffic count for this two-lane section of road was 8,300 vehicles per day.

6. **Route 11 - South Valley Pike:**

This project involves the upgrade of a 1.3 mile section of Route 11 (South Valley Pike) to a four- or five-lane urban highway from Route 704 (Cecil Wampler Road) western intersection to the southern corporate limits of the City of

Harrisonburg. In conjunction with this project, Route 704's (Cecil Wampler Road) eastern and western intersections with Route 11 should be realigned to improve traffic movement and signalization.

In addition, the City should be encouraged to rebuild the 0.81-mile section to connect existing four lanes to the above-referenced project. This area is zoned industrial and experiencing growth, with Sysco and Cargill distribution centers, White Wave, Dutch Way Fencing, and continued commercial development along this corridor, and the future development of over 500 acres of industrially-zoned property that will utilize Route 704 (Cecil Wampler Road) to gain access to Route 11 (South Valley Pike) and Interstate 81. The 2008 traffic count for this section of road was 13,000 vehicles per day. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

7. Route 11 (South Main Street) to Route 42 (John Wayland Highway) - Dayton Connector

This project will entail constructing a two- or four-lane controlled access road from Route 42 (John Wayland Highway), just north of Dayton and the Cargill Complex, to tie into Route 11 (South Main Street) at its intersection with Interstate 81, Exit 243.

This link would provide a direct access to the I-81 and Route 11 (South Main Street in Harrisonburg) south interchange. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

8. Route 11 (North Valley Pike) To Route 33 (West Market Street) - Western Connector

This project would entail constructing a four-lane limited-access urban highway from the Route 11 (North Valley Pike) north/I-81 interchange westward to Route 33 (West Market Street) to its intersection in the vicinity of Route 726 (Garbers Church Road).

The current traffic volumes along Market Street warrant the construction of an alternate route. This link would provide a direct access between Route 33 (West Market Street) and Interstate 81. The limited-access roadway would include intersections with Route 753 (Kratzer Road), Route 42 (Harpine Highway), and Route 763 (Mt. Clinton Pike). These intersections would provide interim access to the roadway but would not be for development purposes. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

9. **Route 682 (Friedens Church Road) To Route 276 (Cross Keys Road)-Southeast Connector**

This project anticipates the reclassification of Route 682 as a state primary road. Currently, Route 682 (Friedens Church Road), a secondary road, is considered a part of one of the options for the Southeast Connector. Reclassification as a primary road is included in this option. This alternative addresses the long-term transportation needs for this area and the region. This alternative is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

The Board discussed with Mr. Komara the desire to allocate money in the Revenue Sharing Program to the Southeast Connector project from the eastern City limits to the new Rockingham Memorial Hospital on Port Republic Road (Route 253).

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 allocating the maximum amount of available funds - \$1,001,000 – to the Southeast Connector project through the Department of Transportation’s Revenue Sharing Program.

The 2010 General Assembly adopted Senate Bill 537 and House Bill 856 allowing a maximum speed limit of 70 miles per hour (mph) on interstate highways in Virginia. The law becomes effective July 1, 2010. Garrett Moore, Staunton District Administrator, for the Department of Transportation, sent a letter to the Chairman requesting input on whether the speed should be increased on the portions of I-81 located in the County.

Representatives from the County, Department of Transportation, State Police, Sheriff’s Office and Fire and Rescue Department met and discussed the matter. Administrator Paxton outlined their concerns: increasing the speed increases the likelihood of greater injury and property damage; a current 60 mph zone in the County and City which has resulted in increased safety and fewer accidents is recommended to be expanded to cover the area from the North River bridge which is south of the Mt. Crawford exit to Exit 251 which is north of the Harrisonburg City limits. In addition, the portion of the interstate in question has significant local vehicle and large truck traffic use resulting in a higher rate of vehicle entrances and exits which slows traffic. A final concern was that the increase in speed to 70 mph will result in only a 10 mph difference with a reckless driving charge, potentially making speed enforcement difficult.

The Board agreed with the group's assessment and recommendations.

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 authorized the Chairman to send the recommendations outlined above to Garrett Moore, the Staunton District Administrator regarding increasing the I-81 speed limit to 70 mph through the County.

Chairman Cuevas and Mr. Komara recognized the Mark Huffman, who retires from the Department of Transportation at the end of June, after working for the agency for 40 years.

Supervisor Floyd thanked Mr. Komara for the recent roadwork on Shen Lake Drive (Route 689) and asked him to assess damage on Duck Run Road (Route 674), where residents have reported use by large trucks has resulted in numerous potholes. He also asked for clarification on the planned median for Port Republic Road (Route 253) near Boyers Road (Route 704) and the First Church of the Nazarene.

Mr. Komara reported that during this phase of construction on Port Republic Road, the median will remain striped, but that future construction will result in a permanent median, which will increase motorist safety.

Supervisor Kyger asked if a turn lane could be added on John Wayland Highway in the 2100 block near the Harrisonburg City limits to serve Dairyman's Specialty.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated June 4, 2010.

Administrator Paxton reviewed House Bill 1189 that was approved by the General Assembly and creates a new Virginia Retirement System (VRS) plan design for all state, education and local government employees hired after July 1, 2010. Representatives from local governments and school divisions in the region met with VRS officials to discuss the options under this new plan.

The Board discussed the options with Administrator Paxton and Director of Human Resources Riddlebarger. Administrator Paxton noted that the School Board approved the action recommended by staff to have new hires after July 1, 2010 pay the five percent employee share.

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 adopted the following:

“The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (referred to as “Plan 2” employees). The legislation amended VA Code § 51.1-144 to require Plan 2 employees pay the five percent member contribution and that, absent other action by the County to pay such member contribution, such contribution will be paid by the Plan 2 employees and such payment will be through salary reduction according to Internal Revenue Code § 414 (h). The Board concurs with the action to require the payment of the five percent member contribution by all Plan 2 employees.”

Administrator Paxton discussed the two parcels of land created with the realignment of Fieldale Place and Reservoir Street for a new entrance to the hospital. The parcels were created from the former Albert Long Park property. According to State law, the Board must hold a public hearing to discuss the sale of the properties, but first a survey must be completed for the parcels. The parcels, approximately $\frac{3}{4}$ acre and less than six acres, are zoned R-2. In addition, Chairman Cuevas noted that all proceeds from the sale of the land must go toward purchasing or maintaining property to be used for recreation purposes. The County is looking for land east of the City first to replace the field lost by the road realignment.

On motion by Supervisor Floyd, 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 staff to proceed with surveying the two parcels created when Albert Long Park was divided by the realignment of Fieldale Place and Reservoir Street in order to begin marketing the properties for sale.

Administrator Paxton announced that Katharine S. McQuain has been appointed as Director of Recreation effective June 30, 2010 to replace Wendell J. Eberly, who is retiring after 30 years of service to the County. Mrs. McQuain currently serves as the Assistant Director of Parks and Recreation for Augusta County.

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Chairman Cuevas discussed with the Board his concern that the National Forest Service notify the County before issuing commercial or industrial permits on federal lands within the County. Citing examples such as wind farms or mining, Chairman Cuevas further stated that the County's Comprehensive Plan and the surrounding land uses could be directly impacted as well as the local economy. He noted that this notice did not pertain to forest management activities such as timber sales, etc.

By consensus, the Board authorized Administrator Paxton to send a letter to the National Forest Service, local federal legislative delegation, and Citizens Alliance for Preservation requesting that the County be notified when a permit for commercial or industrial use is requested and ask to be involved in the approval process.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller requested the Board's direction following a citizen's inquiry into the income limits for tax relief for the elderly and disabled.

Administrator Paxton suggested staff poll surrounding jurisdictions about their limits and policies and consult the Social Services District on poverty level income guidelines and report back to the Board at budget time; therefore the Board could look into it for the next year. The minimum range was increased from \$10,000 to \$12,000 last year. At this level of income the applicant is eligible for 100% relief.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed the Finance Committee's recommendations to appropriate the funding for the FY 2010-2011 in accordance with the budget adopted on May 5, 2010. Board action is required before funds can be disbursed.

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the appropriation of the FY 2010-2011 Budget as adopted on May 5, 2010, and authorized the Treasurer to transfer funds as shown in the following table:

**COUNTY OF ROCKINGHAM, VIRGINIA
ANNUAL APPROPRIATION FOR FY2010-2011 BUDGET**

GENERAL FUND

General Government Administration	\$ 4,869,107
Judicial Administration	3,014,487
Public Safety	19,127,055
Public Works	1,727,788
Human Services	1,342,294
Parks, Recreation & Cultural	2,133,028
Community Development	4,098,003
Contributions	338,021
Contingency	375,000
Other Expenses	23,000
Transfers to Other Funds	52,458,486
Debt Service – County	3,035,511
Debt Service – Schools	10,880,880
TOTAL - GENERAL FUND	\$ 103,422,660

Capital Projects Fund	\$ 4,236,400
School Capital Projects Fund	7,280,320
School Fund	107,714,892
School Cafeteria Fund	5,127,017
School Textbook Fund	580,000
Massanutten Technical Center Fund	4,750,615
Asset Forfeiture Fund	30,230
H'burg-Rockingham Soc Services District	15,770,443
H'burg-Rockingham Comp Services Act	9,615,000
Central Stores Fund	49,000
Self-Funded Health Insurance Plan Fund	19,600,000
Water & Sewer Utilities Fund	20,370,000
Lilly Subdivision Sanitary District	53,000
Smith Creek Water & Wastewater Auth	283,000
Countryside Sanitary District	17,300
Penn Laird Sewer Authority	29,600
Solid Waste Fund	3,422,000
Laird L Conrad Law Library Fund	68,995
Human Resources Rental Fund	233,672
Emergency Medical Services Transp Fund	1,500,000
TOTAL EXPENDITURES	\$ 304,154,144

The Board authorized the Treasurer to transfer from the General Fund to the following funds, as may be required:

County Capital Projects Fund	\$ 4,000,000
School Fund	\$45,022,930
Harrisonburg-Rockingham Social Services District	\$ 1,640,098
Harrisonburg-Rockingham Comprehensive Services Act	\$ 1,795,458

The Board authorized the Treasurer to transfer \$2,684,894 from the School Fund to the Massanutten Technical Center Fund as may be required.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated June 9, 2010.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated June 9, 2010.

Chairman Cuevas advised the Board of his concern regarding a news release issued earlier in the day by a candidate for the House of Delegates, 26th District. The candidate's statement addressed the tabled special-use permit SUP-28 Carrizo (Marcellus), LLC. Chairman Cuevas highlighted the efforts of County staff and Board members to visit and contact local, state, and federal authorities and other private sources to research the special-use permit request and to study the broader issue of gas well drilling under consideration by the Board. He noted the numerous meetings and field research that he and members of staff had engaged in to ensure that the County had accurate and complete information on this important matter.

Chairman Cuevas expressed his concerns with the release of inaccurate information and sought to provide an update to the community on the exhaustive measures the Board has taken, and continues to take, to study the issue.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated June 3, 2010. Mr. O'Byrne was not in attendance.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated June 2, 2010. Assistant Chief Jeremy Holloway was in attendance representing Chief Symons, and requested an extension of time for a Singers Glen Volunteer Rescue Squad member who is requesting a variance from the Office of Emergency Management Services deadline for completion of the recertification of her Emergency Medical Training (EMT) Instructor certification which expires July 31, 2010.

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 endorsed an extension

for Cindy Wittig, Singers Glen Volunteer Rescue Squad, to complete the necessary requirements to recertify her as an EMT Instructor.

Assistant Chief Jeremy Holloway stated that the Fire and Rescue Department's FY 2010-2011 budget included the recommendation to increase several fire inspection fees and establish several new permits to recover the costs of state-mandated inspections. The recommended fees are based on the rates used by the State Fire Marshal's Office.

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 fee for the Fire and Rescue Department:

	Description	Permit Required (Permits are annual permits unless otherwise stated)	Permit Fee	Inspection Fee	Additional Information
1	Nightclub occupant load 100 or less.	Yes	\$350.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
2	Nightclub occupant load 101 to 200.	Yes	\$450.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
3	Nightclub occupant load 201 to 300.	Yes	\$500.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
4	Nightclub occupant load 301 or greater.	Yes	\$500.00 plus \$50.00 for each 100 occupants or portion thereof	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
5	Structure housing daycare or preschool; 3500 Square feet or less.	Yes	\$150.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
6	Structure housing	Yes	\$200.00	Initial inspection and first	N/A

	daycare or preschool; greater than 3500 square feet up to 7,000 square feet.			follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	
7	Structure housing daycare or preschool; greater than 7,000 square feet up to 10,000 square feet.	Yes	\$250.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
8	Structure housing daycare or preschool; greater than 10,000 square feet.	Yes	\$250.00 plus \$50.00 for each additional 3000 square feet or portion thereof that exceed 10,000 square feet.	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
9	Structure housing private schools (k-12) and private college dormitories with or without assembly areas; 3500 square feet or less	Yes	\$150.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee table 2.	N/A
10	Structure housing private schools (k-12) and private college dormitories with or without assembly areas; greater than 3500 square feet up to 7000 square feet	Yes	\$200.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
11	Structure housing private schools (k-12) and private college dormitories with or without assembly areas; greater 7,000 square feet up to 10,000 square feet	Yes	\$250.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
12	Structure housing private schools (k-12) and private college dormitories with or	Yes	\$250.00 plus \$50.00 for each	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-	N/A

	without assembly areas; greater than 10,000 square feet		additional 3000 square feet or portion thereof that exceeds 10,000 square feet.	inspection fee per table 2.	
13	Assembly areas which are a part of private schools (k-12) or private college dormitories provided the assembly area is within or attached to a school or dormitory building; 10,000 square feet or less	Yes	\$50.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
14	Assembly areas which are a part of private schools (k-12) or private college dormitories provided the assembly area is within or attached to a school or dormitory building ; greater than 10,000 square feet, up to 25,000 square feet	Yes	\$100.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
15	Assembly areas in a separate building or buildings, up to 25,000 square feet.	Yes	\$100.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
16	Assembly areas greater than 25,000 square feet within or attached to a school or dormitory building or in a separate building or buildings.	Yes	\$150.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
17	Hospitals or nursing homes; 1 to 50 beds	Yes	\$300.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A

18	Hospitals or nursing homes; 51 to 100 beds	Yes	\$400.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
19	Hospitals or nursing homes; 101 to 150 beds	Yes	\$500.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
20	Hospitals or nursing homes; 151 to 200 beds	Yes	\$600.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
21	Hospitals or nursing homes; greater than 200 beds	Yes	\$600.00 plus \$100.00 for each additional 100 beds or portion thereof.	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
22	Assisted living facilities; 3,500 square feet or less.	Yes	\$150.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
23	Assisted living facilities; greater than 3,500 square feet up to 7,000 square feet	Yes	\$200.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
24	Assisted living facilities; greater than 7,000 square feet up to 10,000 square feet	Yes	\$250.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
25	Assisted living facilities; greater than 10,000 square feet	Yes	\$250.00 plus \$50.00 for each additional 3,000 square feet or portion thereof.	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A

26	Magazine to store explosives or blasting agents	Yes	\$100.00 per magazine located at same site	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
27	Use of explosives or blasting agents	Yes	\$150.00	N/A	N/A
28	Use of fireworks or pyrotechnics	Yes	\$300.00 per event	\$150.00 each subsequent day after initial inspection if event is repeat event or if event is postponed and rescheduled within 48 hours	Inspector will be on site for duration of event.
29	Inside sale of permissible fireworks at approved business location	Yes	\$150.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
30	Sale of permissible fireworks outside at temporary site	Yes	\$250.00	Initial inspection and first follow-up included in permit fee. Additional follow-up(s) subject to re-inspection fee per table 2.	N/A
31	Faulty or nuisance fire alarm inspection (A faulty or nuisance alarm is deemed to have occurred when the fire dept. responds to an alarm and after investigation by the Fire Marshal's Office it is determined that faulty equipment initiated the alarm)	No	N/A	\$50.00 per hour per inspector or portion thereof plus cost recovery amount for apparatus responding to faulty alarm.	N/A
32	Exhibits and Trade Shows	Yes	\$100.00 per event	\$50.00 per hour, per inspector if event schedule necessitates inspection occurring after normal business hours.	N/A
33	Commercial hood suppression system installation	Yes By Community Development	\$350.00 per system	Fees assessed per table 1.	Permit fee includes: Plan review Rough-in inspection Final acceptance

					inspection
34	Fire sprinkler system installation	Yes By Community Development	\$350.00 per system plus \$1.10 per head	Fees assessed per table 1.	Permit fee includes: Plan review Rough-in inspection Hydro test Air test (dry pipe system) Trip test (dry pipe system) Final acceptance inspection
35	Fire alarm system installation	Yes By Community Development	\$350.00 per system plus \$2.50 per initiating device	Fees assessed per table 1.	Permit fee includes: Plan review Rough-in inspection Final acceptance test
36	Fire standpipe system installation	Yes By Community Development	\$350.00 per system plus \$5.00 per riser	Fees assessed per table 1.	Permit fee includes: Plan review Rough-in inspection Final acceptance inspection
37	Fire pump installation	Yes By Community Development	\$350.00 per fire pump	Fees assessed per table 1.	Permit fee includes: Plan review Final acceptance inspection
38	Private fire main system installation	Yes	\$350.00 per system plus \$10.00 per fire hydrant	Fees assessed per table 1.	Permit fee includes: Plan review Visual inspection Underground flush Underground final
39	Spray booth installation	Yes By Community Development	\$350.00 per booth	Fees assessed per table 1.	Permit fee includes: Plan review Rough-in

					inspection Final acceptance inspection
40	Clean Agent suppression system	Yes By Community Development	\$350.00 per system	Fees assessed per table 1.	Permit fee includes: Plan review Rough-in inspection Final acceptance inspection
41	Minor review and Inspection – other systems	Yes By Community Development	\$75.00 per system And additional charges based on system type	Fees assessed per table 1.	Permit fee includes: Plan review Other basic inspections required based on system type. Any additional charges will be assessed with permit fee.
42	Bon fire	Yes	\$10.00 per bon fire	\$50.00 per hour, per inspector if event schedule necessitates inspection occurring after normal business hours.	N/A

Assembly structures used exclusively for worship are exempt from permit fee.
Annual permit fees for any building or groups of buildings under the same ownership and on the same site shall not exceed \$2,500.

Re-inspection Guidelines – Table 1

Situation	Status of Work	Inspection Performed?	Re-inspection Assessed?
Inspection cancelled more than 24 hours prior to appointment	N/A	No	No
Inspection cancelled less than 24 hours prior to appointment	N/A	No	Yes
Scheduling contractor shows, other associated companies/trades not on site	Cannot start inspection	No	Yes
Inspector arrives, no one on site to facilitate inspection	Cannot start inspection	No	Yes

Inspection while inspector on location. Inspection not started	Not ready for inspection	No	Yes
Inspection started but not completed	Not ready or failed. Fault of contractor	Yes	Yes
Inspection started but not completed	Not ready or failed. No fault of scheduling contractor	Yes	No
Inspection started	Substantially compliant – minor deficiencies	Yes	No

Re-inspection Guidelines – Table 2

Situation	Inspection Performed?	Re-inspection Fee	Re-inspection Fee	Other Actions
Responsible party makes contact before re-inspection is due and advises corrections underway but not complete due to circumstances beyond responsible party's control. 1 st re-inspection is re-scheduled.	No	No	N/A	Inspector documents circumstances and reschedules follow-up within guidelines.
Responsible party makes contact before re-inspection is due and advises corrections underway but not complete due to circumstances within responsible party's control. 1 st re-inspection is re-scheduled.	No	Yes	\$75.00 /2 nd re-inspection \$100.00/3 rd and all subsequent re-inspections	Inspector documents circumstances and reschedules follow-up within guidelines. Responsible party is advised of re-inspection fee. Summons issued after failure to comply after 3 rd re-inspection
Inspector arrives on site for scheduled re-inspection. Responsible party made reasonable attempt to corrective deficiencies. Corrections not complete due to circumstances beyond responsible party's control.	Yes	No	No charge/ 2 nd re-inspection \$75.00/3 rd re-inspection \$100.00 all subsequent re-inspections	Inspector documents circumstances and reschedules follow-up within guidelines
Inspector arrives on site for scheduled re-inspection. Corrections not complete due to circumstances within responsible party's control.	Yes	Yes	\$75.00 /2 nd re-inspection \$100.00/3 rd and all subsequent re-inspections	Inspector documents circumstances and reschedules follow-up within guidelines. Responsible party is advised of re-

				inspection fee. Summons issued after failure to comply after 3 rd re- inspection
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Supervisor Kyger encouraged citizens to complete their Census Bureau surveys since each locality depends on an accurate population count to get its fair share of funding from the state and federal governments. The census count is taken once every 10 years.

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RECREATION AND FACILITIES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Eberly’s staff report dated June 4, 2010.

Mr. Eberly highlighted the summer programs available through the Recreation Department and thanked Legends Sports for their sponsorship of the brochure that the department uses to provide information to residents through the schools.

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PUBLIC HEARING - ORDINANCE AMENDMENT.

At 3:50 p.m., Chairman Cuevas opened the public hearing.

Administrator Paxton introduced the proposed amendment pertaining to building inspection fees and the Board discussed the matter briefly with Mr. Vaughn. Administrator Paxton reminded the Board that the County has reduced staffing levels in the Community Development Department to reflect the reduction in business activity. This ordinance change is recommended solely to offset the costs at the current level of staff and services provided to the public.

At 3:55 p.m., Chairman Cuevas closed the public hearing and reconvened the regular meeting.

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

**ORDINANCE REPEALING
AND
RE-ENACTING
CHAPTER 6, BUILDINGS;
ARTICLE II, PERMITS;
AND
ARTICLE III, BOARD OF APPEALS
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That CHAPTER 6 BUILDINGS be and hereby is repealed and re-enacted as follows:

ARTICLE II. PERMITS

Sec. 6-9. Buildings or structures--Required; applications; approval by zoning administrator.

Pursuant to the Building Code, any owner or any other person, before commencing any construction, alteration, addition, repair, removal, demolition, use, location, occupancy or maintenance of or to any existing or proposed building or structure and its service equipment a joint inspection agreement provided for in section 6-4 shall obtain a building permit first defined by the Building Code within the county or within a town which is a party to a joint building inspection office. Application for a building permit shall be accompanied by a statement in writing issued by the zoning administrator of the county or by the appropriate authority of the town participating in the joint inspection agreement, as the case may be, that the construction or other activity contemplated in the application for a building permit is in conformity with chapter 17 of the county Code or the Zoning Ordinance of the town, as applicable.

(Amended for recodification, 1987)

Sec. 6-10. Same--Updating of information required.

Every person to whom a building permit is issued pursuant to this article shall, within thirty (30) days of substantial completion of construction or occupancy, whichever occurs first, report to the building inspection office on forms supplied for the purpose of any modifications in specifications, including cost, of any structure, or enlargement, reconstruction, alteration, repair, use, location and maintenance thereof, which was the subject of the building permit, or of any other changes in the information submitted in the application for such building permit. Additional fees may

be required by the building inspection office in order to cover any modification in cost reported in accordance with this section. (8-30-73, § 7; amended for recodification, 1987)

Sec. 6-11. Same--Fees. A fee shall be charged for all building permits. The building permit fee schedule for new construction is as follows:

- (a) Use groups R-5 (residential dwelling units--one-family and two-family)-The fee for alterations, additions, and repairs shall be fifteen cents (0.19) per square foot based on the gross finished floor area including the basement area. If the gross floor area is 132 square feet or less, a flat fee of twenty-five dollars (\$25.00) shall be charged.
- (b) All other use groups, based upon valuation. Building permit valuations shall include the total cost of the building or structure, including plumbing, electrical, and mechanical equipment and all other systems. The following fees shall be charged for building permits:
 - (1) Where the valuation does not exceed nineteen thousand dollars (\$19,000), the fee shall be as follows:
 - a) For new construction and additions with or without outdoor recreation the fee is ninety five dollars (\$95.00).
 - b) The fee for alterations, additions, and repairs shall be nineteen cents (0.19) per square foot based on the gross finished floor area with a minimum fee of twenty-five dollars (\$25.00).
 - c) For swimming pools the fee shall be fifty dollars (\$50.00).
 - d) For elevators, escalators and lifts the fee shall be fifty dollars (\$50.00).
 - (2) For a valuation over nineteen thousand dollars (\$19,000.00) up to and including thirty thousand dollars (\$30,000.00), the fee shall be ninety-five dollars (\$95.00) for the first nineteen thousand dollars (\$19,000.00) four dollars and forty cents (\$4.40) per one thousand dollars (\$1,000.00) or fraction thereof.
 - (3) For a valuation over thirty thousand dollars (\$30,000.00) up to and including one hundred thousand dollars (\$100,000.00), the fee shall one hundred forty-six dollars and sixty-five cents (\$146.65) plus three dollars and eighty cents (\$3.80) per one thousand dollars (\$1,000.00) or fraction thereof.
 - (4) For a valuation over one hundred thousand dollars (\$100,000.00) up to and including five hundred thousand dollars (\$500,000.00), the fee shall be four hundred twelve dollars and seventy-five cents (\$412.75) plus

three dollars (\$3.00) per one thousand dollars (\$1,000.00) or fraction thereof.

(5) For a valuation over five hundred thousand dollars (\$500,000.00) up to and including one million dollars (\$1,000,000.00), the fee shall one thousand six hundred and five dollars (\$1605.00) plus one dollar and eighty-five cents (\$1.85) per one thousand dollars (\$1,000.00) or fraction thereof.

(6) For a valuation over one million dollars (\$1,000,000.00), the fee shall be two thousand eight hundred sixty dollars (\$2860.00) plus one dollar and forty-five cents (\$1.45) per one thousand dollars (\$1,000.00) or fraction thereof.

(c) Accessory Structures--Residential use groups R-5

(1) The fee for attached garages, detached garages, sheds and decks, and porches over nine (9) square feet shall be fifteen cents (\$.015) per square foot and shall be calculated based on gross floor area of the structure and shall be calculated based on the gross floor area of the structure with a minimum fee of fifty dollars (\$50.00).

(8-30-73, § 6; P.C. Ord. No. 3-87, (part), 3-11-87; P.C. Ord. No. 3-92, 4-22-92; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-12. Same --Moving.

For the moving of any building or structure, when no movement on any public street or highway is required, the fee shall be twenty-five dollars (\$25.00). For the movement of any building or structure when movement on any public street or highway is required, the fee shall be thirty-five dollars (\$35.00).

(8-30-73, § 6; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-13. Same --Demolition.

For the demolition of any building or structure, the fee shall be twenty-five dollars (\$25.00).

(8-30-73, § 6; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-14. Same--Required for farms exempted from provisions of building code.

(a) No person shall commence the construction, repair or improvement of any farm building or structure exempt from the provisions of the Building Code, as

amended, until there shall have been first obtained a permit from the building inspection office.

- (b) A fee of twenty-five dollars (\$25.00) shall be charged for each permit issued; provided that a permit may include more than one (1) exempt farm building.
- (c) Any person violating any of the provisions of this section shall upon conviction thereof, be punished by a fine not to exceed three hundred dollars (\$300.00).
- (d) Buildings must be started within six (6) months of date of permit.

(7-8-84; amended for recodification, 1987; P.C. Ord. No. 3-92, 4-22-92; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-15. Miscellaneous.

- (a) A fee of twenty-five dollars (\$25.00) shall be charged for each permit which is requested to be revised to add, delete or change the designation of a mechanic's lien agent.
- (b) A fee of fifty dollars (\$50.00) shall be charged for a permit for a tent installation. Each tent will be considered a separate installation.
- (c) A minimum fee of fifty dollars (\$50.00) shall be charged for each permit for a sign.
- (d) A fee of fifty dollars (\$50.00) shall be charged for each permit for asbestos removal.
- (e) A fee of seventy five dollars (\$75.00) shall be charged for placement of a temporary construction trailer.
- (f) For an inspection not listed herein the fee shall be based on the value of the project or a minimum fee of twenty-five dollars (\$25.00).
- (g) A fee of two hundred dollars (\$200.00) shall be charged for a footer/foundation only permit issued with prior approval of the Building Official.
- (h) If a refund is requested, the county shall retain twenty-five (25%), but not less than twenty-five dollars (\$25.00), of the total permit fee to cover processing, inspections, and plan review costs. The State levy is non-refundable.

(P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-16. Plumbing permits generally.

A plumbing permit shall be obtained before any construction, alteration, addition, repair, removal or maintenance to the plumbing system or equipment of any building or structure is commenced. The following plumbing permit and inspection fees shall be charged:

- (a) For R-5 use groups the fees shall be as follows:
 - (1) New construction, additions to single family dwellings, alterations or repairs shall be charged a fee of fifty-one dollars and seventy-five cents (\$51.75).

- (b) For all other use groups the fees shall be as follows:
 - (1) New construction, additions, alterations and repairs shall be charged a fee of fifty dollars (\$50.00) plus two cents (\$0.02) per square foot.

 - (2) The fee for a solar hot water heater shall be fifty dollars (\$50.00).

(8-30-73, § 6; P.C. Ord. No. 3-87(part), 3-11-87; P.C. Ord. No. 3-92, 4-22-92; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-17. Electrical permits generally.

An electrical permit shall be obtained before any construction, alteration, addition, repair, removal or maintenance to the electrical system or equipment of any building or structure is commenced.

- (a) Electrical permit fees for new residential construction shall be as follows:
 - (1) For a single-family dwelling or a single-family dwelling unit in an apartment building having a separate electric service, service not exceeding two hundred (200) amp., the fee shall be fifty-seven dollars and fifty cents (\$57.50).
 - (2) For a single-family dwelling or a single-family dwelling unit in an apartment building having a separate electric service, service not exceeding four hundred (400) amp., the fee shall be sixty-nine dollars (\$69.00).
 - (3) Electrical permit fees for service (includes meter equipment and feeders) shall be fifty dollars (\$50.00)

- (4) New construction, additions alterations and repairs shall be charged a fee of fifty dollars (\$50.00) plus four cents (\$0.04) per square foot.

- (b) For all other use groups the fees shall be as follows:
 - (1) New construction, additions alterations and repairs shall be charged a fee of fifty dollars (\$50.00) plus four cents (\$0.04) per square foot.

- (c) Electrical fees for electrical discharge lighting systems signs shall be as follows:
 - (1) For service not exceeding ten (10) amp., the fee shall be seventeen dollars and twenty-five cents (\$17.25).
 - (2) For each additional five (5) amp., or fraction thereof, the fee shall be three dollars and forty-five cents (\$3.45).

- (d) Electrical fees for protective signaling systems shall be as follows:
 - (1) For the first fifteen (15) devices, the fee shall be forty dollars and twenty-five cents (\$40.25).
 - (2) For each additional five (5) devices, or fraction thereof, the fee shall be five dollars and seventy-five cents (\$5.75).
 - (3) Pneumatic circuits:
 - a. For the first two (2) circuits, the fee shall be forty dollars and twenty-five cents (\$40.25).
 - b. For each additional circuit, the fee shall be five dollars and seventy-five cents (\$5.75).

- (e) Electrical fees for temporary installation and decorative displays installations and decorative displays installed for not over sixty (60) days shall be twenty-five dollars (\$25.00).

- (f) For each reintroduction of service, the fee shall be twenty-five dollars (\$25.00).

- (g) The fee for the installation, alteration or repair of a solar electrical

system shall be seventeen dollars and twenty five cents (\$17.25) for the first 500 watts and an additional three dollars and forty –five cents (\$3.45) for each additional 500 watts or part their of.

(8-30-73, § 6; 9-9-74, § 3; 11-24-75; amended for recodification, 1987; P.C. Ord. No. 3-87(part), 3-11-87; P.C. Ord. No. 3-92, 4-22-92; P.C. Ord. No. 4-93, 6-9-93; P.C. Ord. No. 6-93, 7-14-93; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-17.1 Mechancial permits generally.

A mechanical permit shall be obtained before any construction, alteration, addition, repair, removal or maintenance to the HVAC system or equipment of any building or structure is commenced.

- (a) For R-5 use groups the fees shall be as follows:
 - (1) New construction or additions to single family, alterations or repairs shall be charged a fee of fifty dollars (\$50.00).
- (b) For all other use groups the fees shall be as follows:
 - (1) New construction, additions, alterations and repairs shall be charged a fee of fifty dollars (\$50.00) plus two cents (\$0.02) per square foot.
- (c) Other fees shall be as follows:
 - (1) A fee of fifty dollars (\$50.00) shall be charged for each permit for the installation of a wood stove or range hood.
 - (2) A fee of three hundred dollars (\$300.00) shall be charged for each permit for the installation of a hood suppression system.
 - (3) A fee of fifty dollars (\$50.00) shall be charged for each permit for the installation and piping for above and in-ground tanks.
 - (4) A fee of twenty-five dollars (\$25.00) shall be charged for each permit for the removal of above and in-ground tanks.
 - (5) A fee of twenty-five dollars (\$25.00) shall be charged for each permit for gas and oil lines for residential and commercial uses groups.

- (6) A fee of twenty-five dollars (\$25.00) shall be charged for each permit for manufactured or prefabricated homes.
- (7) For sprinklers systems the fee shall be three hundred twenty-five dollars(\$325.00) plus \$1.10 for each sprinkler head.
- (8) For fire alarm systems the fee shall be two hundred seventy-five dollars (\$275.00) plus \$2.50 per associated device.
- (9) For a fire standpipe system the fee shall be two hundred seventy-five dollars (\$275.00) plus \$15.80 per riser.
- (10) For a fire pump system the fee shall be two hundred seventy-five dollars (\$275.00)
- (11) For a private fire main system the fee shall be two hundred twenty-five dollars (\$225.00)
- (12) For a spray booth system the fee shall be one hundred twenty-five dollars (\$125.00)
- (13) For other fire prevention permits required, but not elsewhere listed, the fee shall be fifty dollars (\$50.00) plus any applicable costs as determined in writing by the Fire Marshal.

Sec. 6-17.2 State Levy.

In addition to the above, the levy set by the Virginia Department of Housing and Community Development shall be applied to fees charged and transmitted to such Department.

Sec. 6-17.3 Fire Prevention Levy

In addition to the above fees set forth in Sec. 6-11, a levy of 5% shall be applied to all residential building permits and a levy of 10% shall be applied to all commercial building permits, those funds shall be transferred to the Rockingham County Department of Fire and Rescue.

Sec. 6-18. Manufactured Homes generally.

In lieu of the fee schedule charged for building, electrical, and plumbing permits for single-family dwellings under this article, the fee for manufactured homes shall be seventy five dollars (\$75.00) for a single-wide and one hundred dollars (\$100.00) for a double-wide.

(8-30-73, § 6; 9-9-74, § 4; P.C. Ord. No. 3-92, 4-22-92; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-19. Amusement devices permits generally.

- (a) For inspections and certifications provided by the operator of the amusement devices by a qualified inspector, the permit fee shall be two dollars (\$2.00) per device.
- (b) For all other inspections the permit fee shall be based upon the type of device as follows:

TABLE INSET:

Type of Amusement	Permit Fee
(1) Kiddie	\$25.00
(2) Major	\$35.00
(3) Spectacular	\$55.00
(4) Roller Coaster	\$150.00

(P.C. Ord. No. 4-88, 7-13-88; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-19.1 Temporary Certificates of Occupancy.

- (a) A temporary certificate of occupancy for residential use groups R-5 shall be offered in 30-day increments with fees as follows:
 - (1) 30 days – thirty dollars (\$30.00)
 - (2) 60 days – sixty dollars (\$60.00)
 - (3) 90 days – ninety dollars (\$90.00)
- (b) The fee for a temporary certificate of occupancy for all other use groups shall be two hundred dollars (\$200.00) and shall be valid for 30 days only. An extension is not permitted.

Sec. 6-20. Valuations; denial.

If, in the opinion of the building official or inspector, the valuation of any construction, alteration, addition, repair or maintenance to any building or structure for

which a building, plumbing or electrical permit is applied appears to be underestimated on the application, the permit shall be denied, unless the applicant can show a detailed estimated cost to meet the approval of the building inspector or official.

(8-30-73, § 6; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

Sec. 6-21. Reinspections and exceptions.

- (a) For each reinspection, the fee shall be seventy-five dollars (\$75.00).
- (b) No political subdivision shall be required to pay any fee imposed by this article.

(9-9-74, § 2; P.C. Ord. No. 3-92, 4-22-92; P.C. Ord. No. 99-8, 6-9-99, effective 7-1-99)

ARTICLE III. BOARD OF APPEALS

Sec. 6-22. Appointment, number and term of members.

The board of building appeals is hereby established, which shall consist of five (5) members appointed by the board of supervisors as vacancies in the membership occur. Each member shall be appointed for a term not to exceed five (5) years as may be provided by the board of supervisors at the time of appointment; provided, that each member shall serve until his successor is appointed unless the board of supervisors determines not to fill a vacancy occurring by the reason of the expiration of a term of office. Vacancies which occur by any cause other than expiration of the term for which appointed shall, if the vacancy is to be filled, be filled for the unexpired term only.

Sec. 6-23. Compensation.

Members of the board of appeals shall be compensated at a rate determined by the board of supervisors and shall be reimbursed for actual expenses incurred as members of the board of building appeals. (8-30-73, § 10)

Sec. 6-24. Appeal--From decision of building inspector.

The owner of a building or structure or any other person may appeal from a decision of the building official or inspector refusing to grant a modification of the provisions of the Building Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the board of appeal. (8-30-73, § 10)

Sec. 6-25. Same--Application.

Application for appeal may be made when it is claimed that the true intent of the Building Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Building Code do not fully apply, or an equally good or better form of construction can be used. The fee for processing such application shall be two hundred and fifty dollars (\$250.00).

(8-30-73, § 10; 9-9-74, § 6; P.C. Ord. No. 3-92, 4-22-92)

This ordinance shall be effective from the 1st day of July, 2010.

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COMMITTEE REPORTS.

FINANCE

On behalf of the Finance Committee, Supervisor Breeden recommended approval of the following actions:

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 General Fund supplemental appropriation:

Electoral Board

A supplemental appropriation for \$7,335 related to the Special Election for the 26th House of Delegates District to be held June 15, 2010. The estimated total cost for this Election is \$14,666; however, the Voter Registrar has determined that there are funds remaining to cover a portion of this total. The expenses for this election will **not** be reimbursed by the State, and therefore local funds are required from the General Fund Reserve.

Supplemental Appropriation: \$7,335

\$7,335	GL Code: 001-01301-000-3902-000	Election Workers
\$7,335	GL Code: 001-05201-0100	General Fund Reserve

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:

Building Inspections

A supplemental appropriation for \$22,600 for the purchase of CityView internet software and annual maintenance fee. This software will allow the development of on-line building / planning services for mobile field inspections. A portion of the funding - \$9,828 - is proposed to come from the Contingency Account and the remainder - \$12,772 - from the General Fund Reserve.

Supplemental Appropriation: \$22,600

\$18,000	GL Code: 001-03400-000-8007-000	Computer Equipment
\$ 4,600	GL Code: 001-03400-000-3302-000	Maintenance Service Contracts
\$(9,828)	GL Code: 001-09110-000-5800-000	Contingency Account
\$12,772	GL Code: 001-05201-0100	General Fund Reserve

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

RUSH – COPS Methamphetamine Grant

A supplemental appropriation for \$61,900 for costs associated with the 2006 COPS Methamphetamine Grant. Funding will be provided by a federal grant.

Supplemental Appropriation: \$61,900

\$ 1,000	GL Code: 001-03103-300-3301-000	Repairs & Maintenance
\$ 3,500	GL Code: 001-03103-300-3500-000	Printing & Binding
\$ 4,500	GL Code: 001-03103-300-6014-000	Other Operating Supplies
\$24,000	GL Code: 001-03103-300-6065-000	Minor Equipment
\$28,900	GL Code: 001-03103-300-8001-000	Machinery & Equipment
\$61,900	GL Code: 001-03900-3800	Federal Revenue – COPS Meth Grant 2006

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:

Economic Development

A supplemental appropriation of \$8,713 for additional costs associated with the roadwork modifications leading to the new Rockingham Memorial Hospital by A&J

Development and Excavation, Inc. This supplemental appropriation is for the removal and replacement of unsuitable materials as recommended by the third-party geotechnical engineer and the topsoil and seeding of the disturbed areas. Funding would be provided from the General Fund Reserve.

Supplemental Appropriation: \$8,713

\$8,713	GL Code: 001-08102-000-3109-000	Other Professional Services
\$8,713	GL Code: 001-05201-0100	General Fund Reserve

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 supplemental appropriation for the School Fund:

A supplemental appropriation for \$277,300 for expenditures associated with the Reading First grant. These costs will be federally funded and will require no local match.

Supplemental Appropriation: \$277,300

\$ 96,000	GL Code: 201-61100-002-1120-100	Instructional Salaries
\$ 2,500	GL Code: 201-61100-002-1520-100	Substitute Instructional Wages
\$ 400	GL Code: 201-61100-002-1800-100	Compensated Services
\$ 6,800	GL Code: 201-61100-002-2100-100	FICA
\$ 45,000	GL Code: 201-61100-002-3000-100	Purchased Services
\$ 4,000	GL Code: 201-61100-002-5504-100	Professional Development
\$ 30,000	GL Code: 201-61100-002-6013-100	Educational Supplies
\$ 600	GL Code: 201-61100-002-6014-100	Other Operating Supplies
\$ 25,000	GL Code: 201-61100-002-6030-100	Alternative Educational Materials
\$ 35,000	GL Code: 201-61100-002-6065-100	Minor Equipment
\$ 13,700	GL Code: 201-61100-002-2210-100	VRS
\$ 260	GL Code: 201-61100-002-2400-100	Group Life
\$ 17,000	GL Code: 201-61100-002-2300-100	Health Insurance
\$ 1,040	GL Code: 201-61100-002-2750-100	Health Care Credit
\$277,300	GL Code: 201-03301-7000	Reading First

A supplemental appropriation for \$32,500 for expenditures associated with the National Board Incentive Bonus grant. These costs will be funded by a state grant and will require no local match.

Supplemental Appropriation: \$32,500

\$32,500 GL Code: 201-61100-200-1800-100 Compensated Services
 \$32,500 GL Code: 201-02402-2730 National Board Incentive Bonus

A supplemental appropriation for \$130,000 for payroll expenditures associated with extra-curricular and community events held on school premises. These costs will be funded by reimbursements from local civic and other organizations.

Supplemental Appropriation: \$130,000

\$40,000 GL Code: 201-63200-900-1802-000 Wages – Reimbursed
 \$40,000 GL Code: 201-64200-900-1802-000 Wages – Reimbursed
 \$50,000 GL Code: 201-61100-300-1802-100 Wages – Reimbursed
 \$40,000 GL Code: 201-01803-0203 Salary Reimb – Bus Drivers
 \$40,000 GL Code: 201-01803-0204 Salary Reimb – Custodians
 \$50,000 GL Code: 201-01803-0205 Salary Reimb – Teachers

A supplemental appropriation for \$33,952 for expenditures associated with Title I Distinguished School. These costs will be federally funded and will require no local match.

Supplemental Appropriation: \$33,952

\$ 3,997 GL Code: 201-61100-255-1800-500 Compensated Services
 \$ 306 GL Code: 201-61100-255-2100-500 FICA
 \$ 933 GL Code: 201-61100-255-6013-500 Educational Supplies
 \$ 1,090 GL Code: 201-61100-255-6030-500 Alternative Education Materials
 \$ 2,750 GL Code: 201-61100-255-3000-500 Purchased Services - CHI
 \$19,952 GL Code: 201-61100-255-5504-500 Conventions & Education
 \$ 3,412 GL Code: 201-61100-255-6012-500 Books & Subscriptions
 \$ 1,512 GL Code: 201-61100-255-6065-500 Minor Equipment
 \$33,952 GL Code: 201-03301-0200 Title I

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 supplemental appropriations and budget reductions for the Massanutten Technical Center Fund:

A supplemental appropriation for \$7,500 for expenditures associated with the Vocational Apprenticeship program. These costs will be funded by a state grant and require no local match.

Supplemental Appropriation: \$7,500

\$7,500	GL Code: 205-61100-920-6013-700	Educational Supplies
\$7,500	GL Code: 205-02402-2500	VOC Apprenticeship

A reduction to the original budget for \$5,793 for the Adult Basic Education (ABE) program.

Budget Reduction: \$5,793

\$(5,344)	GL Code: 205-61100-930-1300-700	Salaries & Wages - PT
\$ (449)	GL Code: 205-61100-930-2100-700	FICA
\$(5,793)	GL Code: 205-03301-2700	Adult Basic Education (ABE)

A supplemental appropriation for \$21,975 for expenditures associated with the Adult Basic Education Incentive (ABE) program. These costs will be funded by a federal grant and require no local match.

Supplemental Appropriation: \$21,975

\$ 9,000	GL Code: 205-61100-930-1300-700	Salaries & Wages - PT
\$ 689	GL Code: 205-61100-930-2100-700	FICA
\$ 3,386	GL Code: 205-61100-930-5201-700	Postage
\$ 8,900	GL Code: 205-61100-930-6070-700	Minor Computer Equipment
\$21,975	GL Code: 205-03301-2700	Adult Basic Education (ABE)

A supplemental appropriation for \$14,966 for expenditures associated with General Adult Education. These costs will be funded by a state grant and will require no local match.

Supplemental Appropriation: \$14,966

\$13,902	GL Code: 205-61100-930-1300-700	Salaries & Wages - PT
\$ 1,064	GL Code: 205-61100-930-2100-700	FICA
\$14,966	GL Code: 205-02402-9901	General Adult Education

On motion by Supervisor Breedon, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following supplemental appropriations and budget reductions for the Massanutten Technical Center Fund:

A supplemental appropriation for \$22,000 for expenditures associated with the Adult Education DLC program. These costs will be funded by fees collected by MTC.

Supplemental Appropriation: \$22,000

\$20,437	GL Code: 205-61100-930-1300-700	Salaries & Wages - PT
\$ 1,563	GL Code: 205-61100-930-2100-700	FICA
\$22,000	GL Code: 205-01612-0340	DLC – General Adult Education

A reduction to the original budget for \$1,240 for the Corrections and Institution program.

Budget Reduction: \$1,240

(\$1,152)	GL Code: 205-61100-930-1300-700	Salaries & Wages - PT
(\$ 88)	GL Code: 205-61100-930-2100-700	FICA
(\$1,240)	GL Code: 205-03301-2600	C&I

A supplemental appropriation for \$19,275 for expenditures associated with the Race to GED program. These costs will be funded by a state grant and require no local match.

Supplemental Appropriation: \$19,275

\$ 7,000	GL Code: 205-61100-930-1300-700	Salaries & Wages - PT
\$ 535	GL Code: 205-61100-930-2100-700	FICA
\$11,740	GL Code: 205-61100-930-3000-700	Purchased Services
\$19,275	GL Code: 205-02402-9903	Race to GED

A supplemental appropriation for \$7,000 for expenditures associated with the Intergenerational Modeling Parents and Children Together (IMPACT) program. These costs will be funded by fees collected by MTC.

Supplemental Appropriation: \$7,000

\$6,502	GL Code: 205-61100-930-1300-700	Salaries & Wages - PT
\$ 498	GL Code: 205-61100-930-2100-700	FICA
\$7,000	GL Code: 205-01612-0360	IMPACT Fees

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 supplemental appropriations for the Commonwealth’s Attorney’s Office:

A supplemental appropriation for \$1,708 for partial funding for Leadership for Empowerment. Funding will be provided from the asset forfeiture revenue received.

Supplemental Appropriation: \$1,708

\$1,008	GL Code: 211-02201-000-3100-000	Professional Services
\$ 700	GL Code: 211-03507-000-3100-000	Professional Services
\$1,008	GL Code: 211-02407-0200	Asset Forfeiture Revenue – Commonwealth’s Attorney
\$ 700	GL Code: 211-02407-0100	Asset Forfeiture Revenue - Sheriff

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 supplemental appropriation:

A supplemental appropriation for \$15,000 for expenditures. Funding will be provided from the asset forfeiture revenue received.

Supplemental Appropriation: \$15,000

\$10,000	GL Code: 211-02201-000-3100-000	Professional Services
\$ 4,000	GL Code: 211-02201-000-6001-000	Office Supplies
\$ 1,000	GL Code: 211-02201-000-6065-000	Minor Equipment
\$15,000	GL Code: 211-02407-0200	Asset Forfeiture Revenue Commonwealth’s Attorney

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 supplemental appropriation for the Harrisonburg – Rockingham Social Services District:

A supplemental appropriation of \$10,880 to replace a vehicle that was involved in an accident and was declared a total loss. The insurance company paid this amount in settlement of the car.

Supplemental Appropriation: \$10,880

vehicle license fee program to determine if the County should continue to require the decal and how any change in the program will impact government operations. Several towns in the County have notified the County Administrator that they will be discontinuing the use of the decal. He requested the committee report back to the Board in a reasonable amount of time.

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RECESS.

At 4:23 p.m., Chairman Cuevas declared the meeting recessed for dinner.

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PUBLIC HEARING – SPECIAL-USE PERMIT REQUEST.

At 6:00 p.m., Chairman Cuevas opened the public hearing and Ms. Stultz reviewed the following special-use permit applications:

SUP-061 Harvey S. Varner, 6805 Koiner Ford Road, Mt. Crawford for a public repair shop (public garage) on property located on the southwest side of Koiner Ford Road (Rt. 995) and Fairview Road (Route 693); Election District #3; Zoned A-2; Tax Map #150-(A)-21A.

The special-use permit request was made following a zoning violation. In January 2010, this property was rezoned from A-1 to A2 and although the applicant stated the building would be used to repair tractors and farm trucks, the request is for a public garage. A building permit would be needed to convert the building from private to commercial use and handicapped accessible restrooms will be required. In addition, a new septic will have to serve the garage. According to Code, a total of five vehicles may be located on the property (awaiting repair or pick up).

Mr. Varner submitted additional conditions limiting its use.

No one spoke in favor or opposition to this request.

SUP-063 Misty Ward/Brookhaven Health & Natural Birth Center, 1463 Brookhaven Drive, Harrisonburg for a birth center (clinic service) on property located on the southeast side of Brookhaven Drive approximately 375' NE of Port Republic Road (Route 253); Election District #3; Zoned R-3; Tax Map #125G-(12)-6.

This is an application is for a natural birthing center, with no overnight patients, although there may be women in active labor during nighttime hours and a staff member is on-call outside of normal office hours (9-4 p.m.) The office will make appointments. After giving birth, the patient will stay approximately two hours. If a patient needs medical attention, they will be transferred to Rockingham Memorial Hospital for further care and treatment. In accordance with the Virginia Midwifery Regulations, there will be no prescribing, carrying, or administering of any controlled substances or any anesthetics. There is no lab associated with the Center and there will be no procedures such as ultrasounds, biopsies or genetic screening.

Misty Ward, applicant and owner/operator of the birth center, introduced herself to the Board as a Licensed Certified Professional Midwife, Harrisonburg native and 2005 Eastern Mennonite University graduate. Her grandmother has been a midwife in Bergton and Criders. She explained that she had been pursuing her career in midwifery since 2000, gave birth to a son with the assistance of an Old Order Mennonite midwife, completed more than 1300 clinical hours and attended more than 165 births (63 in Virginia) during the course of obtaining her midwife license from the Virginia Board of Medicine. She trained with a medical ministry in the Dominican Republic and is a birth assistant at the Dayton birthing center.

Ms. Ward reported she currently has 14 clients waiting to have their children born at the birth center and stated she believes that babies and mothers deserve peaceful births and she would like to provide that atmosphere and care. Several former clients were in attendance to support Ms. Ward.

She described her practice philosophy and explained that she is unable to conduct laboratory work, ultrasounds, and surgery. She noted that she has had extensive training for complications. She chose the location close to the hospital, in the event that hospital intervention was needed.

Melanie Terrien, a local certified public accountant, used Ms. Ward as a doula when her daughter was born. She described her natural birth experience at Rockingham Memorial Hospital and felt that the birthing center would be well received in the community by women seeking a different birth experience.

Tracy Zinn, a psychology professor at James Madison University, described her natural birth experience at Rockingham Memorial Hospital with Ms. Ward as her doula as “wonderful.” She did not think the birthing center was in competition with the hospital, but provides women and families with more options and well-trained professionals to assist with the birth experience. She supported the opening of the birthing center.

Geneva Swenson, a stay-at-home mother, noted that as the public learns about the birthing center, they will become more excited about this option for women and

families in Harrisonburg. She felt the service would also increase the value of the property.

Sarah Beechy stated she also used Ms. Ward as an attendant midwife at the birth of her son and described her as careful, conscientious, and safety conscious. She said Ms. Ward provided options for women and their families and that her son was both happy and healthy because of the care she received during and after his birth.

Kay Harrison, Vice President of Business Development at Rockingham Memorial Hospital, spoke in opposition to the request. She was concerned by a lack of professional relationship between the hospital and Ms. Ward, and the absence of a transfer agreement for patients who will need hospitalization. She supported birthing options for low-risk mothers, but said there was a delicate balance between health and safety.

Ms. Harrison stated patient safety is compromised by the lack of professional relationship with the hospital, and patients will be unfairly dumped at the emergency room onto doctors who will be at a disadvantage providing healthcare to the patient with a lack of patient history. She cited as RMH's opposition the hospital's primary concern for patient safety and the implications for the medical staff.

Dr. Catherine Slusher, chief obstetrician on the medical staff at Rockingham Memorial Hospital, opposed the special-use permit request citing the lack of a safety network for laboring mothers in emergency situations and claimed the applicant was projecting a safe clinic atmosphere that was untrue. Dr. Slusher outlined medical scenarios where delay could lead to "less than favorable outcomes" for mothers or babies.

The Board discussed briefly with Dr. Slusher what occurs when the patient has a relationship with an affiliated obstetrician and is pre-registered to give birth at the hospital. Supervisor Floyd asked if Dr. Slusher meant that the women who have babies at home do not have medical care and she responded that the relationship exists with the midwife, not a doctor. She stated that Ms. Ward does not have a relationship established with physicians in this community.

Dr. Len Lambert identified himself as a pediatrician for 30 years who works with the Valley Children's Clinic. He opposed the request for what he considered "unorthodox medical care." He stated that his practice takes care of the newborns who do not have a pediatrician assigned at birth and said he personally has experienced the outcome of two or three babies who were affected by attempted home deliveries when an unknown amount of time lapsed before emergency care was received. He expressed concern with the safety of home births.

In responding to the concerns, Ms. Ward stated that home births will continue to occur whether she receives the special-use permit or not. Her proximity to the

hospital was the best scenario for women who may need emergency care, and stated if a problem occurs with a laboring mother, she pre-alerts the hospital to let them know the patient may be coming. She has experienced no complications with other births she has assisted and keeps detailed records for each patient with their lab results, prenatal care and histories, so that in the event they need to go to the hospital, she has detailed records. She noted that she stays with the patient and does not “dump” patients at the door. She said the receiving physician is not penalized for any previous care the patient received and the hospital cannot refuse a mother in labor. She has tried to form relationships with doctors in the community, but has been rebuffed and her referrals for ultrasounds have been refused from Rockingham Memorial Hospital.

As a licensed midwife, she is able to conduct newborn exams and provide postpartum care for up to six weeks. She visits the mother and baby within 24 hours after birth and said her practice consists of very thorough patient care. She stated that she only assists with low-risk births and that doctors, such as Dr. Slusher, are more able to handle high-risk births.

Marty Jones, a Certified Nurse Practitioner, stated that she was not opposed to home birth or birthing center births, but felt that the center must have a relationship with a physician so there is no delay in providing medical services when needed. She said the Dayton birth center has a relationship with an on-site physician.

Geneva Swenson asked to address Supervisor Floyd’s question about medical doctors and stated that it was her experience that after giving birth at Rockingham Memorial Hospital the first time, she decided to have a home birth the second time. She was told that she could not have a relationship with both a medical doctor/nurse practitioner and a professional midwife, and a friend who had tried was scolded by the medical community for having both. She stated that having a healthy birth at home is not guaranteed, but neither is having a baby born at the hospital.

SUP-066 Scott E. Dean, 16671 Fox Farm Lane, Elkton for an animal crematory on property located on the west side of Fox Farm Lane (private) approximately 675 feet north of Oviedo Drive (private), Election District #5, Zoned A-2, Tax Map #115-(A)-173A2.

The applicant requests the crematory to cremate the nuisance animals he catches and euthanizes as his business. He stated the ashes can be used for fertilizer. No conditions have been included regarding where the incinerator can be located, but flood elevation photos will be required regardless of the location.

Applicant Scott Dean was available to answer questions.

Joshua and Jill Dean, who own property adjacent to the applicant, stated they have been making renovations to their home and were concerned about the effect on their property value and the emissions from the incinerator. They were concerned that the emissions may be toxic and that there would be increased traffic to and from the applicant's house.

Ms. Stultz stated the crematory would not be open to the public and Mr. Dean would have to transport the animals.

Brandy McDaniel, who had researched the incinerator for Mr. Dean, stated the unit burned cleanly and there was no visible emission because everything was contained within. The unit has an after burner, which is required by Virginia law, and is very energy efficient and easy to maintain, she said. It is the type of incinerator used by veterinarians, humane societies and animal control groups. The Department of Game and Inland Fisheries inspects them once a year, Mr. Dean said.

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

This request is to divide off the existing residence in a non-family division in the A-1 District. In considering the request, the Board allows another residence to be built in the A-1 District on the remaining acreage.

The applicants were available to answer questions.

Supervisor Breeden stated the County did not want to create another housing lot and asked the applicants if they would agree to a condition that would restrict the use of the divided land to be used for agriculture and not residential use.

The applicants stated the property has been for sale for three years and that the home and land have been rented. They did not want to maintain the residence and hoped to sell it. Their intention was to continue renting the land for crops.

No one spoke in opposition.

SUP-090 Douglas F. Hammer, 12946 Model Road, Elkton for a second residence (for daughter) on property located on the south side of Model Road

(Route 640) approximately 1.3 miles east of Spotswood Trail (Route 33); Election District #5; Zoned A-1; Tax Map #129-(A)-110.

The request is for a second residence for Mr. Hammer's daughter and will not include a division of land.

Mr. Hammer agreed with the report and stated the property has septic and water.

No one spoke in opposition.

SUP-094 Randall C. Rion, 312 Bloomer Springs Road, McGaheysville for a residence involving a non-family division on property located on the southwest side of Bloomer Springs Road (Route 646) approximately 8/10 mile northwest of East Point Road (Route 602) and Resort Drive (Route 644) intersection; Election District #5; Zoned A-1; Tax Map #129-(A)-154.

The property is owned by Charles and Dorothy Rion, parents of Randall Rion. Charles Rion signed the application. In May 2000, the parents made a family division of 2.056 acres of land to Randall Rion and in September 2005, he conveyed the 2.056 acres to his brother and sister-in-law. At the time the division of land was made to Randall Rion, there was a five-year waiting period before land obtained through a family division could be further divided – that has now been changed to three years. The State, in the subdivision regulations, allows a person to obtain only one parcel of land through a family division. Since the applicant is not entitled to another family division, he is coming before the Board for a residence involving a non-family division in the A-1 District. The Board must determine if this is justified or if it is an attempt to circumvent the A-1 regulations.

Supervisor Breeden was familiar with the request and asked if the applicant would be willing to put a condition on it for the next 10 years where he could only sell to a family member or incorporate it back into the family tract. Ms. Stultz spoke with the applicant earlier in the day and he was agreeable with the added condition. The applicant was not in attendance due to work.

No one spoke in opposition to this request.

At 7:21 p.m., Chairman Cuevas reconvened the regular meeting and the Board addressed each request in the order they were presented.

Supervisor Floyd stated this is the second time Mr. Varner's issue has come before the Board. There was no opposition to his request and many nearby residents were in favor of his location. With the added conditions, including prohibiting retail sales and state inspections, Supervisor Floyd supported the request.

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, subject to the following conditions, approved SUP-061, Harvey S. Varner, 6805 Koiner Ford Road, Mt. Crawford for a public repair shop (public garage) on property located on the southwest side of Koiner Ford Road (Rt. 995) and Fairview Road (Route 693); Election District #3; Zoned A-2; Tax Map #150-(A)-21A:

1. Use shall be located in substantial accordance with plot plan as approved.
2. The building shall comply with the Virginia Uniform Statewide Building Code, and a change of use building permit shall be obtained.
3. A septic permit shall be obtained from the Health Department. A copy of the septic permit shall be submitted to the Community Development Department prior to issuance of the building permit.
4. The septic shall be installed and a completion permit submitted to the Community Development Department prior to the issuance of a certificate of occupancy.
5. On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
6. There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
7. Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on VDOT's right-of-way.
8. There shall be no more than five vehicles associated with this business (waiting repair or waiting to be picked up) sitting outside the building on the property at any time.
9. No junked or inoperable vehicles shall be allowed to accumulate on the property.
10. No junk, trash, or debris associated with this business shall be allowed to accumulate on the property.
11. No parts shall be stored outside of the building.

12. All repairs shall be done inside the building.
13. 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.
14. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
15. There shall be no state inspections done at this shop.
16. There shall be no new or used parts in inventory for retail sales and no retail services of any type.
17. There shall be no painting or bodywork done at this shop.
18. There shall be no tires sold and no tire alignments done.
19. There shall be no signs on the building.

Supervisor Floyd stated that Ms. Ward was licensed in her profession and had selected a good location for her business, and further stated that the lack of relationship with Rockingham Memorial Hospital was not a matter for the Board, that the concern of the Board was land use and this was an appropriate use given its proximity to the new hospital.

On motion by Supervisor Floyd, 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, subject to the following conditions, approved SUP-063, Misty Ward/Brookhaven Health & Natural Birth Center, 1463 Brookhaven Drive, Harrisonburg for a birth center (clinic service) on property located on the southeast side of Brookhaven Drive approximately 375' NE of Port Republic Road (Route 253); Election District #3; Zoned R-3; Tax Map #125G-(12)-6.

1. Use shall be located in substantial accordance with plot plan as approved.
2. Any alterations to the building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.

3. While patients may be at the facility during the nighttime hours, there shall be no overnight stays at the birth center.
4. Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on VDOT's right-of-way.
5. On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign. In determining the amount of signage this use is allowed, the amount of signage already on the property will be a determining factor.
6. There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
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. The business shall not begin operation until a certificate of occupancy is issued by the County if required by the Building Official. No certificate of occupancy shall be issued until all other conditions of this permit are met.

Supervisor Breeden stated that he hoped to research the emissions from the incinerator before taking action on the request of Mr. Dean to ensure that the emissions were not harmful.

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 tabled SUP-066, Scott E. Dean, 16671 Fox Farm Lane, Elkton for an animal crematory on property located on the west side of Fox Farm Lane (private) approximately 675 feet north of Oviedo Drive (private), Election District #5, Zoned A-2, Tax Map #115-(A)-173A2.

Supervisor Breeden stated that the Nelsons were not alone in their predicament of how to use and divide their land. He stated the Board needed to find a way to address these types of parcels in A-1 zoned districts and also protect the farmland. He asked for additional time to discuss the issue.

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

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP-090, Douglas F. Hammer, 12946 Model Road, Elkton for a second residence (for daughter) on property located on the south side of Model Road (Route 640) approximately 1.3 miles east of Spotswood Trail (Route 33); Election District #5; Zoned A-1; Tax Map #129-(A)-110.

1. Use shall be located in substantial accordance with plot plan as approved.
2. Residence shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
3. If the residence is a manufactured home, the home must be skirted and the tongue removed (unless included in the skirting) within sixty (60) days of final approval.
4. Residence shall not be used for rental purposes.
5. The Health Department shall be contacted with regard to a sewage disposal system and water supply. Copies of the approvals shall be submitted to the Community Development Department at time building permit application is made.
6. If a division of land is proposed at a later date further special permit approval may be required as this is for a second residence and not for a residence involving a land division.
7. The residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

Supervisor Breeden stated that he would move for the approval of Mr. Rion's request with additional conditions which limit the ownership of the land.

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

EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP-094, Randall C. Rion, 312 Bloomer Springs Road, McGaheysville for a residence involving a non-family division on property located on the southwest side of Bloomer Springs Road (Route 646) approximately 8/10 mile northwest of East Point Road (Route 602) and Resort Drive (Route 644) intersection; Election District #5; Zoned A-1; Tax Map #129-(A)-154.

1. Use shall be located in substantial accordance with plot plan as approved.
2. Residence shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
3. Approved sewage disposal and water supply shall be required. A copy of these permits shall be submitted to the Community Development Department prior to deed exception approval.
4. VDOT shall be contacted regarding an entrance permit. A copy of the permit shall be submitted to the Community Development Department prior to deed exception approval.
5. Residence shall not be used for rental purposes.
6. If a division of land is made, but a residence is not constructed on the property within the time period allotted by the special use permit regulations, the property shall have to comply with whatever zoning laws are in existence at that time.
7. The residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
8. If sold within ten (10) years from approval of the special use permit, applicant shall sell the property to either a family member or incorporate it back into the parent tract by an adjoining transfer.

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PUBLIC HEARING – ORDINANCE AMENDMENT.

Chairman Cuevas opened the public hearing at 7:30 p.m.

Administrator Paxton and Mr. Vaughn discussed with the Board a proposed ordinance amendment to Chapter 2, Article VIII, Planning, Subdivision, Zoning and Geographic Information Systems (GIS) pertaining to fees charged for such permits and services provided by Community Development.

Mr. Vaughn explained that the changes were to offset the cost of providing services to the public including, but not limited to, advertising, printing and publishing reports, public notice signage, state-mandated requirements, site plans, and subdivision plats and staffing. In response to Mr. Miller's inquiry, Mr. Vaughn stated the costs are reasonable, and more closely cover the County's costs. The rate changes are also comparable to neighboring jurisdictions.

No opposition was expressed.

Chairman Cuevas reconvened the regular meeting at 7:36 p.m.

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 proposed ordinance amendment to Chapter 2, Article VIII, Sections 2-44 and 2-45:

**ORDINANCE REPEALING
AND
RE-ENACTING
CHAPTER 2, ADMINISTRATION;
ARTICLE VIII, PUBLIC UTILITIES, AND, PLANNING, SUBDIVISION,
ZONING AND
GEOGRAPHIC INFORMATION SYSTEM FEES AND LEVIES;
SECTION 2-44 AND 2-45
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That CHAPTER 2, ARTICLE VIII. PUBLIC UTILITIES FEES AND LEVIES; PLANNING, SUBDIVISION, ZONING AND GEOGRAPHIC INFORMATION SYSTEM FEES AND LEVIES be and hereby is repealed and re-enacted as follows:

Sec. 2-44. Planning, Subdivision and Zoning fees.

The fees for services administered by the department of community development shall be as follows:

- (a) Site plan review--full review:

(1) Residential--\$450.00 plus \$25.00 per unit.

(2) Agricultural--No fee.

(3) Business, industrial, institutional--\$450.00 plus \$25.00 per acre.

(b) Site plan review--administrative review:

(1) Minor site plan review --\$250.00.

(c) Subdivision plats:

(1) Preliminary--\$450.00 plus \$25.00 per lot.

(2) Construction plans--\$450.00 plus \$25.00 per lot.

(3) Final--\$325.00.

(4) Single lot (deed)--\$100.00.

(5) Resubmittal (deed)--\$75.00.

(6) Vacation of plat:

a. Before sale of any lot--\$50.00.

b. After sale of any lots, instrumental--\$75.00.

c. After sale of any lots, ordinance--\$150.00.

d. Vacation of boundary lines--\$25.00 per line.

(7) Variance under Section 16-10--\$350.00

(d) R4 and R5 requests:

(1) Master plan--\$750.00 plus \$25.00 per acre.

(2) Final plan--\$500.00.

(3) Amendments (based on affected area)--\$750.00 plus \$25.00 per acre.

(e) Rezoning:

(1) Agricultural (for agricultural uses)--\$150.00.

(2) Single or two-family residential--\$525.00 plus \$25.00 per acre or \$10.00 per unit.

(3) Multi-family residential--\$525.00 plus \$25.00 per acre or \$10.00 per unit.

(4) Commercial/industrial--\$525.00 plus \$25.00 per acre.

(5) Other--\$525.00 plus \$25.00 per acre or \$10.00 per unit.

(f) Home occupation permit:

(1) Initial issuance--\$50.00.

(2) Recertification--\$50.00.

(g) Special use permit:

(1) When traffic impact analysis is not required--\$550.00.

(2) When traffic impact analysis is required--\$800.00.

(h) Telecommunications facilities:

(1) Towers (special use permit process)--\$5,500.00.

(2) Stealth structure (special use permit process)--\$5,500.00.

(3) Adapted support structure--\$1,500.00.

(4) Collocation--\$500.00.

(i) Zoning ordinance text amendment:

(1) Fee--\$500.00.

(j) Comprehensive plan amendment:

(1) Map amendment--\$350.00 plus \$25.00 per acre.

(2) Text amendment--\$300.00.

(k) Board of zoning appeals:

(1) Variance--\$350.00.

(2) Appeals--\$250.00.

(l) Agricultural and forestal districts:

(1) New district--\$500.00 per application.

(2) Adding parcels--\$250.00 per application.

(3) Removing parcels--\$500.00 per application plus postage.

(m) Other applications:

(1) Comfort or verification letter--\$50.00.

(2) Poultry facility--\$25.00.

(Ord. No. 08-09, 10-8-08)

Sec. 2-45. Geographic Information System

The fees for services administered by the department of community development shall for county generated and state provided data shall be as follows:

(a) For printed data:

(1) Rockingham County Road Name List --\$50.00.

(2) Maps.

a. Sizes up to 11"x17" --\$15.00.

b. Sizes up to 11"x17" with orthophotography --\$20.00.

c. Sizes over 11"x17" --\$25.00.

d. Sizes over 11"x17" with orthophotography --\$35.00.

(3) Scanned Drawings.

a. Sizes up to 11"x17" --\$5.00.

b. Sizes up to 11"x17" on glossy paper --\$25.00.

c. Sizes over 11"x17" --\$14.00.

d. Sizes over 11"x17" on glossy paper --\$75.00.

(b) County-Generated digital products:

(1) Countywide data.

a. Road centerline layer --\$100.00.

b. Tax parcel layer --\$400.00.

c. Tax map (each sheet) --\$25.00.

d. Contour lines layer – 10' intervals --\$400.00.

(2) Tile-Size data.

a. Tax parcel --\$10.00.

b. Contour lines – 10' intervals --\$10.00.

(c) Virginia Geographic Information Network digital products¹:

(1) Orthophotography.

a. High resolution images, up to 5 tiles, each --\$100.00.

b. High resolution images, 6 or more tiles, each --\$50.00.

c. High resolution images, entire county --\$9,303.00.

¹Virginia Base Mapping Program (VBMP) Orthophotography Data License Agreement for Governmental Users - Any licensed jurisdiction is authorized to act as an agent for Virginia Geographic Information Network (VGIN) in the sale of VBMP Orthophotography as outlined in the license clarification issued in September 2007. Both the license clarification and the pricing sheet are available on VGIN's website (www.vgin.virginia.gov). A licensed jurisdiction may sell orthophotography to anyone at the VGIN pricing. A licensed jurisdiction may charge more but not less than VGIN prices. Understand that VGIN will always charge the listed price and the customer is free to buy from the licensed jurisdiction or from VGIN. Any monies collected by the licensed jurisdiction may be retained by the jurisdiction. If VGIN makes the sale, VGIN retains the funds.

Secs. 2-46--2-54. Reserved.

This ordinance shall be effective from the 1st day of July, 2010.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 7:40 p.m.

_____,
Chairman