

June 23, 2010

The Regular meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 23, 2010, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WARREN G. HEIDT, Director of Public Works
STEPHEN N. RIDDLEBARGER, Director of Human Resources
GRETCHEN M. SALLAH, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER

Chairman Cuevas called the meeting to order at 6:00 p.m. and asked for a moment of silence to honor and remember serviceman Brian M. "Bucky" Anderson, 24, who was killed in combat on June 12, 2010 during Operation Enduring Freedom in Afghanistan.

On behalf of Chairman Cuevas, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following resolution for Brian M. "Bucky" Anderson:

Resolution Honoring Brian M. “Bucky” Anderson

WHEREAS, Brian M. “Bucky” Anderson was born on March 5, 1986 in Woodstock, Virginia, and

WHEREAS, Mr. Anderson, a 2004 graduate of Broadway High School; was a three-year starter on the Gobbler football team and a four-year member of the wrestling team, winning two Virginia State AA wrestling championships and All-American status as a wrestler, and

WHEREAS, Mr. Anderson, during his time at Broadway High School, was known for his drive and determination to succeed, for his dedication to his family and his team, and for his love for his community, and

WHEREAS, Mr. Anderson continued his education at James Madison University, where he excelled in wrestling for the Dukes, and

WHEREAS, Specialist Anderson joined the United States Army as an Infantryman on March 19, 2008, and was assigned on July 23, 2008 to Fort Drum, New York, to serve as a rifleman, radio telephone operator and a machine gunner for the 3rd Platoon, Charlie Company, 1st Battalion, 87th Infantry, and

WHEREAS, Specialist Anderson represented Charlie Company as a wrestler at the Summit Day Combatives Tournament, where he was champion in his class, and

WHEREAS, Specialist Anderson was deployed to Konduz Province, Afghanistan on April 1, 2010; where he was selected as the platoon leader’s gunner because of his initiative, quick thinking and outstanding leadership skills, and

WHEREAS, on June 12, 2010, while in Afghanistan, Specialist Anderson, serving as patrol leader, was killed performing his duties in service to his country.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Rockingham County, on behalf of this community, does express its profound gratitude and appreciation for the leadership, dedication, commitment, and selfless service of Brian M. “Bucky” Anderson, and

BE IT FUTHER RESOLVED, that the Board expresses its sincere condolences to the Anderson family and honors the memory of Bucky Anderson, who made the ultimate sacrifice during Operation Enduring Freedom.

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**INVOCATION
PLEDGE OF ALLEGIANCE.**

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

Administrator Paxton introduced Katharine S. McQuain to the Board. She planned to start June 28, 2010 to work with Wendell Eberly, retiring Director, before beginning her position as Recreation Director on July 1, 2010. Chairman Cuevas welcomed her and the Board wished her well in her new position.

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APPROVAL OF MINUTES.

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 minutes of the regular meeting of June 9, 2010.

Administrator Paxton advised that when the May 5, 2010 special meeting minutes were approved the motion and vote for the FY 2010-2011 budget were inadvertently omitted. He requested that the Board approve the amended minutes to include the motion and vote for the FY 2010-2011 budget.

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 amended minutes of the special meeting of May 5, 2010.

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TRANSPORTATION DEPARTMENT.

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

Mr. Komara discussed the schedule for the Port Republic Road (Route 253), Reservoir Street (Route 710), Southeast Connector and Bergton Road (Route 820) projects.

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VIRGINIA ASSOCIATION OF COUNTIES.

Administrator Paxton and the Board discussed the candidacy of Harrison A. Moody, a member of the Dinwiddie County Board of Supervisors, who is running for Secretary/Treasurer of the Virginia Association of Counties (VACo).

Supervisor Kyger asked the Board to defer their decision until the first meeting in July to determine if there were other candidates.

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APPOINTMENT.

Administrator Paxton discussed with the Board the recommendation of Lacy Whitmore, Executive Director of the Harrisonburg-Rockingham Community Services Board to reappoint Dr. Phillip M. Wishon, Election District 4.

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 reappointed Dr. Phillip M. Wishon, Election District 4, to the Harrisonburg-Rockingham Community Services Board for a three-year term to expire June 30, 2013.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report of June 18, 2010.

Administrator Paxton reported that at the last Board meeting, the Chairman appointed a Motor Vehicle License Study Committee comprised of Supervisor Breedon, Treasurer L. Todd Garber, James L. Allmendinger (Finance), Franklin P. O'Byrne and Kerri Fitzgerald (Information Systems), Mensel Dean (PBGH) and Administrator Paxton to discuss the implications of the Towns altering their vehicle decal programs. Timberville and Elkton have voted to discontinue the issuance of the decals this year and Bridgewater and Broadway have indicated they will eliminate the decal. None of the towns have eliminated the fee. The fee will be added to the Fall personal property tax bill, stated Administrator Paxton.

Administrator Paxton further explained that the Committee looked at the implications of eliminating the decal. At the landfill, the decal is used to identify County residents. Mr. Heidt advised if the decal is eliminated, the landfill staff will check operator's licenses (OL) to determine residence and that people living in the area

with an OL from out of the area will need to get a letter of admittance from Public Works, which is the current practice. He acknowledged that if decals are eliminated, there may be some initial delays at the entrance gate with this new procedure, but that staff would work to minimize any delays.

Treasurer Garber advised the Committee that notices of personal property tax delinquents are currently sent to the Department of Taxation and Department of Motor Vehicles after the decal deadline has passed. If decals are eliminated, he will send the notices of delinquency beginning in January.

An additional implication of eliminating the decals was the effect on law enforcement. In the past, officers were able to make vehicle stops based on expired and unpaid decals, which aided officers with law enforcement activities and allowed the County to recover unpaid personal property taxes. If the decal is eliminated and the fee added to the personal property tax bill, the County will be able to collect the unpaid fees by applying a Department of Motor Vehicle (DMV) stop, which prevents the delinquent taxpayer from conducting DMV business until the tax is paid, Administrator Paxton stated.

The committee looked at several methods to eliminate the fee including:

- Adding the fee onto the personal property bill as a separate item (\$20 for cars and trucks, \$7.50 for motorcycles, etc.). The Committee deferred to the Board the decision to add a penalty for late payment and the amount of the penalty.
- Increase the personal property tax to offset the loss of revenue either on all personal property or only on cars, trucks, motorcycles and trailers. One issue with this approach is that Town residents will, in effect, pay the decal fee twice; once for the fee add-on in the Town and then their share of the personal property tax increase in the County. Also, owners of vehicles valued at less than \$1,000, will not pay any tax or fee.
- Increase all non-real estate tax rates by four percent (4%) to offset the loss of decal revenue which shifts a portion of the decal payment from vehicle owners to businesses.

The Committee felt that while there were challenges for all methods either from an administrative standpoint or fairness issue, the statewide trend to eliminate the decal should be implemented by the County. The Committee recommended to the Finance Committee that the most acceptable method is to add on the current fee (\$20) to the personal property tax bill as a separate item on the bill.

After discussion by the Board, on motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 4 to 1, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; FLOYD - NAY; the Board directed the County Attorney to prepare a notice of intent to adopt an ordinance eliminating the decal as part of the vehicle license fee and directed that the

current fee be added to the personal property tax bill. This action should begin with the tax bills to be issued later this year.

Supervisor Floyd opposed the action and felt the elimination of the decal would cause unnecessary delays at the landfill.

Administrator Paxton advised the Board that the Committee also recommended to the Finance Committee a change in the collection dates for personal property taxes. Board members and staff have heard from citizens that the December collection dates can cause undue hardship for some families. The Finance Committee recommended that the dates be changed to April 5 and October 5. This change would not go into effect until 2011.

On motion by Supervisor Eberly, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board directed the County Attorney to prepare an advertisement for a public hearing and ordinance amendment to change the collection dates for real estate and personal property taxes.

Administrator Paxton discussed the recommendation of the School Board Liaison Committee to renew the health insurance plan with Southern Health for the plan year beginning October 1, 2010. Some plan changes include removing the lifetime cap on health care costs for a covered member, eliminating the co-pay or co-insurance for a covered member for some preventative care, and increasing the "age out" of a covered child from 23 to 26, which included a provision that once an adult child obtains employment with a health care plan, they are no longer eligible for coverage under this plan.

In addition, the Committee recommends the amount of the premiums paid by employees remain the same for the coming year. The School Board is expected to take similar action at its next meeting. Mr. Riddlebarger also advised that the voluntary dental plan administered by United Concordia decreased their rates seven percent (7%) for the coming year.

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 County Administrator to renew the insurance contracts with Southern Health and United Concordia and authorized the following rates for the coming year:

The following table shows the current and new monthly premium for County employees for each coverage type.

Employees hired before 9/1/96:

<u>Type of Coverage</u>	<u>Employee Premium</u>		<u>County Premium</u>		<u>Total Premium</u>	
	Current	Proposed	Current	Proposed	Current	Proposed
Employee Only	\$ 0.00	\$ 0.00	\$412.78	\$447.46	\$412.78	\$447.46
Employee & Spouse	\$203.68	\$203.68	\$689.68	\$765.10	\$893.36	\$968.78
Employee & Child	\$165.62	\$165.62	\$560.82	\$621.84	\$726.44	\$787.46
Employee & Children	\$253.24	\$253.24	\$759.76	\$844.84	\$1013.00	\$1098.08
Employee & Family	\$300.32	\$300.32	\$891.46	\$991.56	\$1191.78	\$1291.88

Employee hired after 9/1/96:

<u>Type of Coverage</u>	<u>Employee Premium</u>		<u>County Premium</u>		<u>Total Premium</u>	
	Current	Proposed	Current	Proposed	Current	Proposed
Employee Only	\$ 48.30	\$ 48.30	\$364.48	\$399.16	\$412.78	\$447.46
Employee & Spouse	\$241.20	\$241.20	\$652.16	\$727.58	\$853.26	\$968.78
Employee & Child	\$196.14	\$196.14	\$530.30	\$591.32	\$693.84	\$787.46
Employee & Children	\$296.80	\$296.80	\$716.21	\$801.28	\$1013.00	\$1098.08
Employee & Family	\$349.18	\$349.18	\$842.60	\$942.70	\$1191.78	\$1291.88

Dental Insurance:

Listed below are the monthly premiums for the coming year. As a reminder, employees that participate pay 100% of the cost of this plan.

**Biweekly
Premium Deductions**

Employee Monthly Premiums effective October 1, 2010

<u>Type of Coverage</u>	<u>Current Premium</u>	<u>New Premium</u>
Employee Only	\$25.98	\$24.16
Employee & Spouse	\$48.34	\$44.96
Employee & Child	\$48.34	\$44.96
Employee & Children	\$76.48	\$71.14
Employee & Family	\$76.48	\$71.14

Administrator Paxton thanked the Board, on behalf of County employees, for renewing the contract without increasing the amount contributed by employees toward the premium.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report of June 18, 2010, which included a report that a public hearing will be held at a future Board meeting for the Lilly Subdivision Sanitary District to discuss the potential sale of three lots in the Sanitary District which had been used for water storage tanks, but are no longer in use.

Mr. King advised the Board he received a request to lease space in the Administration Center parking lot for a rental office for the complex being constructed across from the Center on Gay Street. After checking with a local real estate agent, it was determined that a fair monthly fee of \$350 be established by the County.

The Finance Committee recommended and the Board, by consensus, instructed the County Attorney to draft a three month lease between the County and Pinnacle Construction, the owner of the Colonnades housing and retail development, across from the Administration Center on Gay Street.

Mr. King advised the Board that the County recently received a bill from Dominion Virginia Power for 37 street lights located throughout the County. After researching the location of the street lights, he informed Dominion Virginia Power that the County was only responsible for one – in front of the Singers Glen Community Center – the cost of which is approximately \$200 per year.

By consensus, the Board requested the Deputy County Administrator notify the power company that the County will only be responsible for the light at the Singers Glen Community Center.

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HUMAN RESOURCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Riddlebarger's staff report of June 23, 2010 regarding a voluntary group long-term care insurance program administered by Genworth Life Insurance Company. The coverage provided supplemental income to assist with the cost of at-home care, assisted living and nursing home care, most of which are not covered by medical insurance plans. In order to participate, the employee must be full-time or a deferred Virginia Retirement System (VRS) member, and have at least five years of vested service, or be retired and receiving a VRS benefit. The employee will be billed directly by the provider. The School Board adopted this plan at its May 25, 2010 meeting.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the County Administrator to sign the following agreement between the County and Virginia Retirement System to offer the Long-Term Care (LTC) Program administered through Genworth Life.

**COMMONWEALTH OF VIRGINIA VOLUNTARY
GROUP LONG TERM CARE INSURANCE
PROGRAM
EMPLOYER ADOPTION AGREEMENT**

THIS AGREEMENT executed this ____ day of _____, 20____, between _____ hereinafter referred to as the "Employer", and the Virginia Retirement System ("VRS").

Recitals

A. The Commonwealth of Virginia has established, and VRS has assumed responsibility for, the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program (the "Plan") in which employees of local governments, local officers and teachers, as defined in Section 51.1-513.3 of the Code of Virginia (1950), as amended (the "Code"), may participate, and

B. Pursuant to the same section of the Code, the Employer desires to enter into an Agreement with VRS to permit participation in the Plan by its employees, and

C. The official entering into this Agreement is duly authorized on behalf of the Employers Governing Body.

Agreement

NOW, THEREFORE, in consideration of the benefits arising from cooperation between the Employer and VRS to provide long term care insurance coverage to the employees of the Employer, the parties do agree as follows:

1. VRS represents and warrants to the Employer that it will comply with all applicable laws affecting the Plan.
2. VRS represents to the Employer that it shall provide sufficient services to administer the Plan and to appropriately respond to inquires by employees and participants.

3. The Employer acknowledges and agrees to the terms and conditions established in the Plan.

4. The Employer agrees to provide the VRS selected long term care insurance carrier with a mail file of all active employees, in the format provided by the insurance carrier.

5. When requested by VRS or the insurance carrier, the Employer shall permit the VRS selected long term care insurance carrier to conduct group and individual meetings for the purpose of explaining the Plan or enrolling employees on the Employer's premises during normal working hours subject to such reasonable restrictions that the Employer communicates in writing to VRS and which are accepted by VRS.

6. The Employer elects does not elect to offer their employees payroll deduction. If the employer elects to offer payroll deduction, the employer shall be responsible for remitting premiums under the Plan to the VRS-selected long term care insurance carrier in accordance with the established processes and procedures promulgated by VRS or the insurance carrier.

7. This Agreement may be amended from time to time by written agreement between VRS and the Employer.

8. The term of this Agreement shall be for three years beginning on the date of its execution, and thereafter may be terminated by either party upon 60 days written notice to the other party.

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

Employer	Virginia Retirement System
By: _____	By: _____
Title: _____	Title: _____

Mr. Riddlebarger also thanked the Board for voting to retain the current health insurance premiums for employees in the coming plan year.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated June 23, 2010.

Administrator Paxton and Mr. Heidt discussed continuing problems with the TV translators – one was hit by lightning on Massanutten which has affected reception for the FOX signal and one where a bear ate through cable lines disrupting the CBS signal on White Knob. Mr. Heidt will be addressing the TV translators in a future report to the Board.

Chairman Cuevas asked Mr. Heidt to maintain open communication with the landfill staff in the event that decals are eliminated to assist the citizens during a transition.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated June 23, 2010. He was not in attendance.

Administrator Paxton informed the Board that staff will be completing the TIGER grant application and will bring a resolution in support of that agreement to the next meeting.

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ABSTRACT OF VOTES.

The Board received and reviewed the abstract of votes from the special election on June 15, 2010 for the 26th District, House of Delegates seat vacated by Matthew J. Lohr. Republican Tony O. Wilt was elected.

On motion by Supervisor Floyd, 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 instructed the Clerk to include the following abstract of votes from the 2010 Special Election in the minutes of the meeting:

ABSTRACT OF VOTES

Cast in the County/City of Rockingham, Virginia,
at the June 15, 2010 Special Election, for:

**MEMBER
HOUSE OF DELEGATES
26th District**

<i>NAMES OF CANDIDATES AS PRINTED ON BALLOT</i>	<i>TOTAL VOTES RECEIVED (IN FIGURES)</i>
<u>Kai E. Degner – D</u>	<u>779</u>
<u>Tony Wilt – R</u>	<u>4,220</u>
<u>Carolyn W. Frank – I</u>	<u>166</u>
Total Write-In Votes	<u>2</u>
Total Number of Overvotes for Office	<u>0</u>

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COMMITTEE REPORTS.

AUTOMOBILE

Supervisor Kyger and Deputy County Administrator King reviewed with the Board a recommendation to purchase a new vehicle for the Litter Pick-up Program.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board authorized a supplemental appropriation from the General Fund to purchase a 1999 Ford E350 from R&S Auto for \$4,200:

\$4,200	001-02110-900-8005-000	Vehicles
\$4,200	001-05201-0100	General Fund Reserve

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 declared the wheelchair lift on the 1999 Ford E350 as surplus to be auctioned through Public Surplus.

FINANCE

The Finance Committee, concurring with the recommendation of the School Board Liaison Committee, recommended the following:

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 Treasurer to transfer up to \$390,000 from the Health Insurance Reserve to the General Fund and School Fund health insurance accounts for fiscal year 2010-2011, as may be necessary, to meet health insurance costs.

CHAIRMAN

Supervisor Kyger commended Chief Symons and Fire and Rescue Department personnel for their assistance transferring patients on June 22 from the old Rockingham Memorial Hospital to the new health campus.

Chairman Cuevas commended area law enforcement personnel for their assistance during the recent funeral services for Brian M. Anderson, the serviceman killed in Afghanistan and honored earlier in the meeting.

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ADJOURNMENT.

Chairman Cuevas adjourned the meeting at 7:27 p.m.

Chairman