April 11, 2007

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 11, 2007, at 2:00 p.m. at the Spotswood High School, Penn Laird, Virginia. The following members were present:

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

Also present:

DONALD W. FARLEY, Sheriff
L. TODD GARBER, Treasurer
MARSHA L. GARST, Commonwealth's Attorney

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
DONALD D. DRIVER, Director of Social Services District
WENDELL J. EBERLY, Director of Recreation & Facilities
WARREN G. HEIDT, Director of Public Works
KENNETH N. McNETT, Director of Court Services
FRANKLIN P. O'BYRNE, Director of Information Systems
STEPHEN R. RIDDLEBARGER, Director of Human Resources
DIANA C. STULTZ, Zoning Administrator
ROBERT A. SYMONS, Fire Chief
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Following a discussion with Spotswood students concerning local government operations, Chairman Kyger called the meeting to order at 2:00 p.m.

Hunter Griffin, Spotswood Senior Class President, led the Pledge of Allegiance, and Supervisor Breeden gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting of March 28, 2007.

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TRANSPORTATION DEPARTMENT.

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

In regard to the Route 644 project, Supervisor Breeden asked if bike trails were going to be included and if the entrance into the Massanutten guard house could be widened.

Mr. Komara said the shoulders would eventually be hard surfaced, allowing bicycle use; and he agreed to check to see if the contractor might be willing to do additional work at the guardhouse entrance for Massanutten.

Supervisor Floyd reported that refuse had been dumped on Shen Lake Drive again. Mr. Komara said the litter pick-up program had been extremely helpful in keeping the roads clean and he would note that this area should be checked again.

Chairman Kyger said trucks are continuing to pass the Wal-Mart Center road and have to turn around and go back to that entrance. Mr. Komara said several solutions had been tried such as adjacent warning signs, a sign on the master arm, etc. VDOT will continue to seek ways to alleviate this condition.

AMENDMENT TO SECTION 14-7, ROCKINGHAM COUNTY CODE, TO CHANGE VARIOUS FEES FOR DISPOSAL OF SOLID WASTE.

County Attorney Brown noted that, several weeks ago, the Board increased tipping fees for the landfill. He said several other fees needed to be increased in order to keep up with the costs of operating the landfill.

As recommended by the Public Works Committee, on motion by Supervisor Cuevas, seconded by Supervisor Breeden

and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following amendment to the County Code.

Sec. 14-7. Fees.

(a) Effective April 1, 2007, fees for disposal of acceptable solid waste generated in the county shall be as follows:

(1) No charge shall be made for the disposal of acceptable solid waste generated in the normal, day-to-day operation of homes or farms in the county which is transported to the landfill or satellite collection centers on an individual basis.

(2) All tires shall be assessed at the following rates:
   a. Passenger car tire without rim – two dollars ($2.00).
   b. Oversized passenger tire – three dollars ($3.00).
   c. Truck tire – three dollars ($3.00).
   d. Heavy equipment tires – one hundred dollars per ton ($100.00). To include dump trucks, tractor trailers, farm tractors, etc.

(3) Charges for disposal of all other acceptable solid waste shall be at the rate of forty-one dollars ($41.00) per ton as weighed by the landfill scale. Effective September 1, 2007, charges for disposal of acceptable solid waste shall be at the rate of forty-eight dollars ($48.00) per ton as weighed by the landfill scale. In the event the scale is not operable, the rates shall be as follows:
   a. Pickup truck with no racks – five dollars ($5.00).
   b. Single axle trailer, pulled by car or pickup truck, or pickup truck with racks – twenty dollars ($20.00).
   c. Single axle dump truck (small, less than 1 ton) – twenty-five dollars ($25.00).
   d. Single axle dump truck (standard) plus tandem axle trailer – sixty dollars ($60.00).
   e. Stake body truck or equivalent – seventy-five dollars ($75.00).
   f. Tandem axle dump truck or equivalent – one hundred twenty-five dollars ($125.00).
   g. Compactor type vehicle with a capacity of up to ten (10) cubic yards or equivalent – one hundred fifty dollars ($150.00).
   h. Compactor type vehicle with a capacity of ten (10) cubic yards to nineteen (19) cubic yards or equivalent – two hundred fifty dollars ($250.00).
   i. Compactor type vehicle with a capacity of twenty (20) cubic yards to twenty-nine (29) cubic yards or equivalent – three hundred dollars ($300.00).
   j. Compactor type vehicle with a capacity of at least thirty (30) cubic yards or equivalent – three hundred fifty dollars ($350.00).

(4) Charges for disposal of construction and demolition debris shall be at the rate of fifty-six dollars ($56.00) per ton as weighed by the landfill scale. Individual residential users will be excluded from this category and charged with the regular solid waste rate.

(b) Fees for disposal of solid waste generated in the city, delivered by residents or private refuse haulers, not under contract with the city, and accepted by the county shall be at the city's then current rate structure.

(c) Payment for refuse disposal service shall either be made at the time of disposal or within twenty (20) days of the billing date for customers who have established accounts for such purpose. Failure to pay for service by the due date shall result in interest being assessed on the unpaid balance. Interest shall commence on the due date and shall accrue at the rate of one (1) percent per month on the unpaid balance.
(P.C. Ord. No. 94-14, 6-22-94; P.C. Ord. No. 96-17, 10-23-96; P.C. Ord. No. 97-7, 6-11-97; P.C. Ord. No. 99-1, 2-10-99, effective 4-1-99; P.C. Ord. No. 99-7, 6-9-99, effective 7-1-99; P.C. Ord. No. 02-14, 12-11-02, P.C. Ord. No. 06-01, 1-25-06, P.C. Ord. No. 07-03, 2-28-07)

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed County Administrator Paxton's staff report dated April 6, 2007, including information concerning the jail populations; closed meeting matters; General Assembly actions; a letter of commendation from the Broadway Emergency Squad, Inc., for the County employees assigned to work in the Broadway area; and awards recently received by the Public Works Department for excellence in waterworks and best tasting water among rural water systems in the Commonwealth.

He pointed out a recent news article concerning parental rights under the Foster Care Program that allows for Social Services to be mandated to take a child under a program where parents would not have to give up parental rights for children to be in foster care. He noted that this could have a significant impact on the County through the Comprehensive Services Act.

He noted that, at the same time, there was a new bill regarding children with mental condition who are now mandated to the Comprehensive Services Act program but would be moved from the Social Services Department to the Community Services Board.

He advised of a change proposed by the Governor to the new Transportation Bill that will impact the County and a number of other neighboring localities: previously new regulations regarding urban development areas did not apply to Rockingham County but, with the Governor's amendments, Rockingham County will be required to establish an urban development area so that the County would be included in with jurisdictions that are allowed to impose impact fees.

He reported that the MPO Board discussed what the Commonwealth Transportation Board had discussed regarding the road development in the Southeast Quadrant. He noted that there was concern about including Friedens Church Road

as part of that plan, and the MPO Board re-emphasized its earlier action that the Stone Spring Road improvements are its Priority No. 1, with the improvements to Friedens Church Road a longer-term priority.

At Supervisor Cuevas' suggestion, Chairman Kyger asked the County Administrator to provide a report to the Courts and the Court Services Department concerning the asset the Litter Pick-Up Program has been to the County. The County Administrator was asked to send information to State Legislators concerning initiatives taken by the County to improve services in various state-funded agencies (such as the Courts, Social Services, Commonwealth's Attorney's Office, etc.) due to lack of funding from the Commonwealth.

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COUNTY ATTORNEY'S STAFF REPORT.

The Board received and reviewed County Attorney Brown's staff report dated April 11, 2007, including information concerning a proposed small land swap and a proposed Code amendment to increase costs assessed against defendants for convictions in County Court cases, with the proceeds to go toward expenses for courthouse security. He noted two other proposals which would require advertising: an ordinance to allow the judge to assess costs against the Litter Pick-Up Program and a fee to allow the County to recoup the cost of drug screenings.

In regard to the small land swap, he reported that the County was asked to participate in a very small land swap involving 41.5 square feet of land with two other parties. He noted that several months ago it was discovered that a new house constructed on Lot 13 of Section 8, Highland Park Subdivision, violated Rockingham County's front setback requirement by about eight inches and, since that time, a variance was properly denied by the BZA. He advised that the owner has worked with the owner of the parcel across the street and with VDOT; and a proposed solution is to have the owner of Lot 18 convey 41.5 square feet from the front of the lot to Rockingham County. Rockingham County will then convey 41.5 square feet of Janie Lane, the road which separates the two parcels, to Lot 13. This will be enough property to cure the zoning violation. Janie Lane is technically owned by Rockingham County, as are all subdivision streets once a subdivision plat is recorded. VDOT and the Zoning Administrator have signed off on this solution. In order to convey the 41.5 square feet, the County must advertise the transaction and hold a public hearing just as it normally does for a conveyance of real property. The cost of the notice and the deed preparation is being borne by the owner of Lot 13. Rockingham County will receive no money for this conveyance.

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; the Board authorized advertising a public hearing on the proposed land swap.

On motion by Supervisor Ahrend, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized advertising the appropriate notices to consider (1) an increase from $5.00 to $10.00 the cost assessed against each defendant for each conviction of any statute, criminal, or traffic case prosecuted in any of the Rockingham County courts with this fee to be used for courthouse security; (2) an ordinance to allow the judge to assess costs against the Litter Pick-Up Program and (3) a fee to allow the County to recoup the cost of drug screenings.

Supervisor Cuevas asked staff to discuss the matters related to the justice system with court officials before these matters are considered by the Board.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Deputy County Administrator King's staff report dated April 6, 2007, including information concerning the progress being made on the Center for Research and Technology, the SRI project, the Schools warehouse building, the Administration Center addition and wireless telephone service.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Public Works Director Heidt's staff report dated April 11, 2007, including information concerning the schedule for Penn Laird Drive and Water Tower Road sewer (construction to commence on April 9, 2007); McGaheysville WWTP (plant will be operated in accordance with new permit for two years or until a new force main is constructed to carry McGaheysville and other eastern Rockingham County sewer flows back to HRRSA treatment facility); Phase III/IV Landfill expansion (liner work back on schedule); Three Springs Water system analysis (testing in progress); Pleasant Run Interceptor and Water Supply Line; (four bids received); Lilly Gardens (application seeking VDH funding submitted); City of Harrisonburg Waste to Energy Plant; Montevideo Water Booster Station Emergency Generator and Transfer Switch(Leon Electric working on project); Highland Park and Belmont Sewage Lift Stations(Belmont and Highland Park lift station to be moved out to FY 07-08).

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Community Development Director Vaughn's staff report dated April 11, 2007, including information concerning priority projects underway, tabled requests, and upcoming requests.

On motion by Supervisor Breeden, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the McGaheysville Study Plan with the density recommendations from the Citizens Advisory Group and the nonsubstantial changes to the text and map adjustments as recommended by the Planning Commission.

NOTE: THE PLAN WILL BE INCLUDED IN THE MINUTE BOOK WHEN STAFF HAS COMPLETED ITS CHANGES.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Information Systems Director O'Byrne's staff report dated April 5, 2007, concerning projects and equipment.

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FIRE & RESCUE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated April 4, 2007, concerning training, prevention, division activities, and public education.

Chief Symons reported on two volunteer firefighters, Bryan Smith and Kristen Furlough, from Hose Company No. 4, who were injured when they responded to a wreck on I-81 early Saturday morning. Both are expected to recover.

Chief Symons advised that Mickie Good, charter member of the Grottoes Rescue Squad, passed away recently.

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RECREATION AND FACILITIES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated April 5, 2007, concerning Facilities and Recreation programs.

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HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed Cynthia Grandle and Richard Haushalter to the Harrisonburg-Rockingham Community Services Board for a three-year term expiring on June 30, 2010.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

BUILDING AND GROUNDS COMMITTEE

County Attorney Brown advised that the County received a request to hold a memorial service for those who have lost their lives in the Iraq War on Court Square on Memorial Day, and he noted that the request will be approved.

FINANCE COMMITTEE

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

As requested by the Sheriff, approved a supplemental appropriation in the amount of $10,796 for leather and weapons for the road deputies. Funding will be provided from the General Fund Reserve.

Supplemental Appropriation: $10,796

$10,796	GL Code: 001-03102-000-8001-000	Machinery and Equipment
$10,796	GL Code: 001-05201-0100	General Fund Reserve

As requested by the Sheriff, approved a transfer of funds in the amount of $28,204 for leather and weapons for the road deputies and other uniform purposes.

Transfer: $23,000

From: GL Code: 001-03102-000-8001-000 Machinery and Equipment
To: GL Code: 001-03102-000-6016-000 Uniforms

Transfer: $5,204

From: GL Code: 001-03302-000-6016-000 Uniforms
To: GL Code: 001-03102-000-6016-000 Uniforms

As requested by the Sheriff, approved a supplemental appropriation in the amount of $23,452 for equipment. Funding will be provided by the State Compensation Board.

Supplemental Appropriation: $23,452

$23,452 GL Code: 001-03102-000-6065-000 Minor Equipment
$23,452 GL Code: 001-02302-0100 Compensation Board - Sheriff

PUBLIC WORKS COMMITTEE

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the County Administrator to award the bid for the Pleasant Run Water & Sewer Project to the low bidder, General Excavation, Inc., in the amount of $4,266,780.00.

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CLOSED MEETING.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by the following vote: AHREND – AYE; BREEDEN – AYE; CUEVAS – AYE; FLOYD - AYE; and KYGER – AYE; the Board recessed the meeting from 3:26 to 4:15 p.m. in accordance with State Code Pursuant to Section 2.2-3711(A)(3) acquisition of real property for school purposes, (7) Consultation with County Attorney regarding Contractual Matters and Section 15.2-2907(D) annexation matters.

At 4:15 p.m., Chairman Kyger called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR AHREND RESOLUTION NO: X07-06
SECOND: SUPERVISOR BREEDEN MEETING DATE: APRIL 11, 2007

CERTIFICATION OF CLOSED MEETING

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

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

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

VOTE:
AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER
NAYS: NONE
ABSENT: NONE

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RECESS FOR DINNER.

At 4:15 p.m., Chairman Kyger recessed the meeting for dinner.

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CALL TO ORDER and
PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:30 p.m., Chairman Kyger called the regular meeting back to order and declared the meeting open for a public hearing on the following special use permit requests. Ms. Stultz reviewed the background on each request.

S07-16 Garland M. Golladay, 5259 Cedar Run Trail, Broadway for a small contractor's business (excavating company) on property located on the north side of Cedar Run Trail (Route 786) approximately 1/4 mile west of Sunset Drive (Route 617), Election District #1, zoned A2. Tax Map #51-(A)-25.

The applicants were present to answer questions.

There was no opposition expressed.

S07-17 Dr. & Mrs. Thomas P. Burgess, 2597 Airport Road, Bridgewater for a veterinary practice for livestock (like use to animal hospital) on property located on the southwest side of Airport Road (Route 727) approximately 1/2 mile southeast of Warm Springs Pike (Route 42), Election District #4, zoned A2. Tax Map #136-(A)-12G.

Dr. Burgess explained that he had given up his small-animal veterinary practice and wished to open a practice devoted to livestock only where most of his work would be done at the patient's farm, with animals to be brought to his facility on occasion.

Chester Bradfield, neighbor, said he was very much in agreement with the request.

S07-18 Dan & Sandy Boutillier, 1741 River Road, Elkton for a residence involving a non-family division on property located on the south side of Naked Creek Road (Route 759) approximately 900 feet west of South Creek Road (Route 606), Election District #5, zoned A1. Tax Map #116-(A)-20.

The applicants were present to answer questions.

Stephen Blatt, representing Terry and Doris Breeden, objected to the request, indicating concerns about the property being in a flood plain and his belief that the applicants want to sell the house that would be built on the site.

Gracie Sanders said she lived in a mobile home on Nascar Drive. She described the damage that was done to her home and others during the 1996 flood.

Terry Breeden said he wanted the "property left as it is." He described buildings washing away during the 1996 flood that the owners "were not allowed to put back."

Mr. Boutillier said his house was 60 years old and it had gone through numerous floods. He said the house would remain and he wanted to build behind it up on the hill where it would be out of the flood plain.

S07-19 Anna Belle Harner, Trustee of the Harner Family Revocable Trust, 4515 Berrytown Road, Elkton for a residence involving a division of land on property located on the southeast side of Berrytown

Road (Route 754) approximately 1.5 miles south of S. Eastside Highway (Route 340), Election District #5, zoned A1. Tax Map #144-(A)-20.

Dusty Rhodes, representing the applicant, explained that his client wanted to separate her residence from the farm in order to accommodate estate planning objectives to eliminate state tax in the event of her death.

Gary Burner said he was in support of the request.

Supervisor Breeden asked if there was any intention to divide and sell or build. Mr. Rhodes said the intent was just to place the farm into a limited liability company. He said, although that had been discussed, it had not been incorporated into the staff's conditions.

At 7:03 p.m., Chairman Kyger closed the public hearing and called the regular meeting back to order.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S07-16, request of Garland M. Golladay, 5259 Cedar Run Trail, Broadway for a small contractor's business (excavating company) on property located on the north side of Cedar Run Trail (Route 786) approximately 1/4 mile west of Sunset Drive (Route 617), Election District #1, zoned A2.

(1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
(2) VDOT reserves the right to require future entrance upgrades should conditions warrant.
(3) 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.
(4) Inasmuch as this business shall be for the parking of equipment only and shall not involve an office, there shall be no sign on the property associated with the business
(5) If this use is expanded by either increasing the amount of land being used or by a building being used, additional special use permit approval shall be required.

At the request of Supervisor Kyger and on motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S07-17, request of Dr. & Mrs. Thomas P. Burgess,

2597 Airport Road, Bridgewater for a veterinary practice for livestock (like use to animal hospital) on property located on the southwest side of Airport Road (Route 727) approximately 1/2 mile southeast of Warm Springs Pike (Route 42), Election District #4, zoned A2.

(1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
(2) Building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
(3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
(4) 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.
(5) Off-street parking shall comply with the Rockingham County Code.
(6) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
(7) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
(8) If this use is expanded by either increasing the amount of land being used or by increasing the number or size of buildings, additional special use permit approval shall be required.
(9) This business shall not begin operation until such time as 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.

Noting that the Boutillier request was “similar to many we have had” and have denied, and noting that the Board had a policy not to approve non-family divisions of A1 property, on motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board denied S07-18, request of Dan & Sandy Boutillier, 1741 River Road, Elkton for a residence involving a non-family division on property located on the south side of Naked Creek Road (Route 759) approximately 900 feet west of South Creek Road (Route 606), Election District #5, zoned A1.

Noting that the intent of the Harner request was to create some sort of tax benefit for Ms. Harner, Supervisor Breeden said he would like to provide some additional time for this to be discussed. On motion by Supervisor Breeden, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S07-19, request of Anna Belle Harner, Trustee of the Harner Family Revocable Trust, 4515 Berrytown Road, Elkton for a residence involving a division of land on property located on the southeast side of Berrytown Road (Route 754) approximately 1.5 miles south of S. Eastside Highway (Route 340), Election District #5, zoned A1.

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PUBLIC HEARING - PROPOSED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2007, and PROPOSED TAX RATES FOR THE CALENDAR YEAR 2007.

At 7:08 p.m., Chairman Kyger declared the meeting open for a public hearing on the Proposed Budget for the Fiscal Year commencing July 1, 2007, and Proposed Tax Rates for the Calendar Year 2007, as follows.

EXPENDITURES

	AMENDED BUDGET FY 06-07	PROPOSED BUDGET FY 07-08
GENERAL FUND		
General Government Administration	$ 5,215,546	$ 5,316,015
Judicial Administration	3,420,403	3,291,539
Public Safety	16,760,741	17,515,006
Public Works	1,723,774	1,815,726
Human Services	1,375,126	1,429,953
Parks, Recreation & Cultural	2,060,125	2,103,151
Community Development	2,264,287	2,277,034
Contributions	381,144	399,610
Contingency	410,539	500,000
Other Expenses	65,000	215,000
Transfers to Other Funds	65,931,653	47,189,136
Debt Service - County	571,413	570,625
Debt Service - Schools	16,018,649	6,901,647
TOTAL - GENERAL FUND	**$ 116,198,400**	**$ 89,524,442**
Capital Projects Fund	$ 9,033,016	$ 6,750,000
School Capital Projects Fund	28,798,081	26,000,000
School Fund	103,967,838	108,912,876
School Cafeteria Fund	4,163,373	4,646,419
School Textbook Fund	1,160,000	1,161,093
Massanutten Technical Center Fund	4,785,213	5,018,831
E911 Communications Fund	7,427,995	2,312,980
Asset Forfeiture Fund	59,800	55,000
Harrisonburg-Rockingham Soc Serv Dist	18,618,221	21,439,306
Central Stores Fund	44,000	48,000
Utilities Fund	9,019,300	10,821,216
Lilly Subdivision Sanitary District	835,955	589,781
Smith Creek Water & Wastewater Auth	268,412	289,533
Countryside Sanitary District	22,896	17,182
Penn Laird Sewer Authority	498,696	437,795
Solid Waste Fund	6,082,971	4,717,024
Human Resources Rental Fund	233,672	233,672
TOTAL EXPENDITURES	**$ 311,217,839**	**$ 282,975,150**

REVENUES

	AMENDED BUDGET FY 06-07	PROPOSED BUDGET FY 07-08
GENERAL FUND		
General Property Taxes	$ 50,825,000	$ 54,430,000
Other Local Taxes	8,635,900	9,784,820
Other Local Revenue	7,354,672	7,478,875
State Revenue	14,813,651	15,610,565
Federal Revenue	852,609	527,763
Insurance Recoveries	13,225	0
Proceeds from Indebtedness	23,521,886	0
Balance Carried Forward	10,181,457	1,692,419
TOTAL GENERAL FUND	**$ 116,198,400**	**$ 89,524,442**

Capital Projects Fund	$ 9,033,016	$ 6,750,000
School Capital Projects Fund	28,798,081	26,000,000
School Fund	103,967,838	108,912,876
School Cafeteria Fund	4,163,373	4,646,419
School Textbook Fund	1,160,000	1,161,093
Massanutten Technical Center	4,785,213	5,018,831
E911 Communications Fund	7,427,995	2,312,980
Asset Forfeiture Fund	59,800	55,000
Harrisonburg-Rockingham Soc Serv Dist	18,618,221	21,439,306
Central Stores Fund	44,000	48,000
Utilities Fund	9,019,300	10,821,216
Lilly Subdivision Sanitary District	835,955	589,781
Smith Creek Water & Wastewater Auth	268,412	289,533
Countryside Sanitary District	22,896	17,182
Penn Laird Sewer Authority	498,696	437,795
Solid Waste Fund	6,082,971	4,717,024
Human Resources Rental Fund	233,672	233,672
TOTAL REVENUES	**$ 311,217,839**	**$ 282,975,150**

PROPOSED TAX RATES

Classification of Tax	**Actual 2006**	**Proposed 2007**
Real Estate	$0.58	$0.58
Personal Property*	2.80	2.80
Recreational Vehicles	2.80	2.80
Machinery & Tools	2.55	2.55
Merchants Capital	0.87	0.87
Farm Machinery	0.44	0.44
Manufactured Home	0.58	0.58
Countryside Sanitary District	0.29	0.29

All property tax levies are per one hundred dollars of assessed value at fair market rate, except merchants capital which is based on 67% of fair market value. Property tax levies are effective January 1.

* The 2005 General Assembly capped the total cost of tax relief for the Commonwealth at $950 million. Rockingham County's share is capped at $5.86 million. The effect of the cap reduced the tax credit for qualifying vehicles in 2006 from 70% to 63%. The percentage relief for 2007 is proposed to be 59%.

Administrator Paxton reviewed the proposed budget.

Bonnie Paul and Larry Bowers thanked the Board for its past support of the Harrisonburg-Rockingham Historical Society and asked that the Society's request be approved for the coming year.

Jonathan Kibler, Elkton Volunteer Fire Company, thanked the Board for its past support of the Fire and Rescue volunteer programs. He asked that the Board contribute a lump sum for the programs and allow the volunteers to propose an alternative "equitable" distribution.

Rose Garrison, Harrisonburg-Rockingham Free Clinic, thanked the Board for its past support of the Free Clinic and asked that the Clinic's request be approved for the coming year.

Monica Martin, Chief Magistrate, asked that the Board provide for the Magistrate's Office by allowing that office to have its own budget and to provide salary supplements for the employees in the Magistrate's Office.

Harold Roberts cautioned the Board about its spending practices and asked that Board members think about the consequences of their actions.

Gene Hauze asked that the Board institute an automatic cost-of-living increase in the Tax Relief for the Disabled Program and, in order to pay for that, to levy a transient occupancy tax on rental properties in the County.

Mary Hutton made several inquiries to clarify questions she had about the budget, and those questions were answered by Administrator Paxton.

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ADJOURNMENT.

On motion by Supervisor Breeden, seconded by Supervisor Ahrend, and carried unanimously, the meeting was adjourned at 8:58 p.m.

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Chairman