

August 8, 2007

A Special Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 8, 2007, at 1:00 p.m. and a Regular Meeting was held at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, 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:

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WARREN G. HEIDT, Director of Public Works
ROBERT A. SYMONS, Fire & Rescue Chief
WILLIAM L. VAUGHN, Community Development Director
DIANA C. STULTZ, Zoning Administrator
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER.

Chairman Kyger called the Special Meeting to order at 1:15 p.m. for the purpose of holding a Closed Meeting.

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

Chairman Kyger called the Regular Meeting to order at 3:00 p.m.

Deputy Administrator King led the Pledge of Allegiance, and Supervisor Ahrend 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 July 25, 2007.

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TRANSPORTATION DEPARTMENT.

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

Supervisor Ahrend asked Mr. Komara to contact a citizen who has expressed concern about the possibility of blacktopping Beacon Hill Road.

Supervisor Breeden asked Mr. Komara to contact a County resident concerning the remaining work which needs to be accomplished on Route 708 and the difficulty in obtaining rights-of-way to complete this project.

Supervisor Floyd asked Mr. Komara to look into the possibility of surface treating the new road going into the school at Montevideo Circle and to investigate cleaning up the culvert at the Crossroads development.

Mr. Paxton noted that, at the last MPO meeting, the budget information showed construction on Stone Spring Road extended would begin in 2009 while the Long Range Plan showed construction beginning in 2013. He asked Mr. Komara to reconcile these dates and to report his findings to the Board at the next meeting.

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PRESENTATION - PYROLYSIS TRANSPORTABLE UNIT - MR. ERIC BENDFELDT, VIRGINIA COOPERATIVE EXTENSION.

Eric Bendfeldt, Area Specialist, Community Viability, Northwest District, Virginia Cooperative Extension, and Dr. Foster Agblevor, Virginia Tech, gave a report to the Board on a National Fish and Wildlife Foundation grant for a proposed pilot project to convert poultry litter to bio-oil, slow-release fertilizer and reusable gas - an approach identified as a priority by the 2005 Waste Solutions Forum. Work has begun on a demonstration unit that is being built on a farm in Dayton and will include a unit that will be transportable from farm to farm, with most of the initial research accomplished on site and poultry litter from a neighboring farm used as the feedstock for the pilot project. Dr. Agblevor listed the following grant objectives: to increase the revenue stream associated with manures by conversion of poultry litter to a bio-oil (pyrodiesel) synthetic gas and fertilizer; to install and operate a nutrient removal reactor for dairy manure, to decrease poultry litter mass by 60 percent for easier transportation, to expand market opportunities, to demonstrate the value of litter-based compost as an alternative land reclamation practice; to assess the cost effectiveness on nutrient loads, and to conduct education and spark community interest in the target watershed. He advised that the principal investigators and contractors would represent Virginia Tech, Dairy Science; the Virginia Cooperative Extension community viability; Shenandoah RC&D Council; Virginia Tech Biological Systems Engineering; and Virginia Tech Crops and Soil Environmental Sciences. He listed the project partners: Water Solution Forum, Virginia Tech, Shenandoah RC&D, AgWater Technologies, Canaan Valley Institute Chesapeake Bay Foundation, Environmental Defense Fund, Old Dominion Electric Cooperative, Virginia Clean Cities, Virginia Department of Conservation and Recreation, Virginia Department of Environmental Quality Virginia Department of Mines, Minerals and Energy Virginia Poultry Federation, Virginia State Dairymen's Association and Shenandoah Valley dairy and poultry farmers. He pointed out that the projects will focus on the North River watershed within western Rockingham County, in the subwatersheds of Muddy Creek, Lower Dry River and Cooks Creek. He noted that the Shenandoah Valley accounts for 40 percent of Virginia's dairy industry and that the subwatersheds where the pilot project will operate have 172 dairies with approximately 70 cows per herd. As poultry and eggs make up Virginia's top agricultural sector, he stated that although poultry litter is traditionally disposed of by land application or is used as cattle feed, he pointed out that pyrolysis of the litter would help solve the problems of excess nutrients in the soil, contamination of drinking water, eutrophication of surface waters, ammonia emission from poultry houses, soil acidification and biosecurity concerns.

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TREASURER'S ANNUAL REPORT.

L. Todd Garber, Treasurer, presented to the Board the following Tax Collection Report as of June 30, 2007, and Lists of Uncollectible and Delinquent Taxes.

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 accepted the report, recognizing the applicability of Section 58.1-3921 and 58.1-3224, so that the applicable taxes shall no longer be deemed delinquent and proper credit is given to the Treasurer.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated August 3, 2007. He advised the Board that he would discuss several matters in closed session.

He reminded Board members that they have been invited to ride in the parade at the County Fair on August 15, 2007, at 6:30 p.m.

He noted problems with the computer system which are expected to be resolved by close of business at the end of the week. Chairman Kyger suggested that, as a way to prepare an emergency plan for any future emergency, the County declare one day for County government to operate without the use of its computers.

Mr. Paxton reported that a water line break on Route 33 East, near the new Kyger Funeral Home, has been repaired. Supervisor Floyd asked that he be notified when there is an interruption in service in his district.

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COUNTY ATTORNEY'S STAFF REPORT.

The Board received and reviewed County Attorney Miller's staff report dated August 2, 2007. He advised the

Board of the August 6, 2007, closing for the purchase of the Elkton area new school complex property. Other items in his report referred to legal matters.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Public Works Director Heidt's staff report dated August 8, 2007, including information concerning the schedule for Penn Laird Drive and Water Tower Road sewer (approximately 3100 linear feet of sewer line and 18 laterals have been installed to date, project on schedule); McGaheysville WWTP; Phase III/IV Landfill expansion (Olver Incorporated has committed to completing the design has by the end of this year); Three Springs Water system (Anderson re-evaluating City-County synergies on water resources and infrastructure); Pleasant Run Sewer Interceptor and Water Supply Line(work began July 16, 2007); Lilly Gardens(Peed & Bortz has been authorized to conduct the study); City of Harrisonburg Waste to Energy Plant; Landfill Pro-Forma Study & Landfill Gas Utilization Feasibility Study (SCS made presentation to Board earlier in the day); Montevideo Water Booster Station Emergency Generator and Transfer Switch(completed and in service); and Highland Park and Belmont Sewage Lift Stations (Peed & Bortz authorized to design the Highland Park lift station interface with the new McGaheysville sewer main at the Port Road/Spaders Church Road intersection).

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Community Development Director Vaughn's staff report dated August 8, 2007, including information concerning priority projects underway, a Board of Zoning Appeals vacancy, tabled requests, and upcoming requests.

At the request of Chairman Kyger, 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 removed from the table S07-28 special use permit request of Heartland Health Clinic, for a clinic service on property located on the south side of Ottobine Road (Route 257) approximately 2600 feet west of John Wayland Highway (Route 42), Election District #4, Zoned A2. Tax Map #123-(A)-23C.

On motion by Supervisor Floyd, 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 S07-28 special use permit request of Heartland Health Clinic, subject to the following conditions.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) A commercial entrance permit shall be obtained from VDOT's Residency Office, and a copy of said permit shall be submitted to the Zoning Administrator prior to issuance of a building permit.
- (4) VDOT shall require an engineered drawing detailing turn lane/tapers and drainage for final approval prior to issuing a permit.
- (5) If a division of land is involved with this request, such division shall be made prior to issuance of permits. This shall involve approval by the Community Development Department and recordation of the deed in the Clerk's Office.
- (6) 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.
- (7) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign. The pharmacy shall not be advertised on the advertising sign.
- (8) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (9) Off-street parking shall comply with the Rockingham County Code, or as amended by staff, which the Board acknowledges may be fewer than normally required.
- (10) This permit is contingent upon being served by Dayton water and sewer. While building permits could be obtained, a certificate of occupancy could not be issued nor could the building be used until such time as the utilities are available and hooked to the building.
- (11) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (12) All lighting on the property shall be directed downward toward the building and parking lot and shall not reflect onto adjoining property.
- (13) Applicant shall install a 4-foot tall fence on each side of the driveway leading to the property.

Mr. Paxton noted that the reason for the change in the parking regulations was the unique nature of the health clinic and the type of traffic involved.

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INFORMATION SYSTEMS DIRECTOR'S REPORT.

The Board received and reviewed Information Systems Director O'Byrne's staff report dated August 2, 2007, including information concerning various projects including Court Services server migration, Novell Operating System to Windows operating system conversion, change internet service providers, Regional Jail in-car Camera System, Internet Service Provider changeover, and landfill scales computer.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated August 1, 2007, including information concerning personnel, activities in Training Division, Prevention Division activities, and Public Education.

Supervisor Breeden asked about disaster funding for repairing the stream at Big Run Estates. Administrator Paxton said staff would bring a recommendation to the next meeting for replenishing the disaster emergency fund.

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RECREATION & FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Recreation and Facilities Director Eberly's staff report dated August 2, 2007, including information concerning facilities and recreation programs.

Mr. Paxton stated that, due to short staffing, the Fire & Rescue Department is rapidly using up its part-time and overtime funds. Chief Symons indicated the Department has had a large number of employees absent because of off-the job injuries, long-term illnesses and various other reasons. He noted that a number of employees are expected to return to work within the next two weeks. Mr. Paxton asked Mr. Allmendinger to keep the Finance Committee advised of the part-time and overtime situation.

Supervisor Cuevas suggested the County provide attendance incentives to encourage employees to be more careful not to have accidents which make them miss work, particularly in this department since it is specialized and difficult to cover.

Chairman Kyger asked if the County is able to hire Harrisonburg City off-duty emergency personnel. Chief Symons responded that, although the County has hired some City employees, due to requirements of the Federal Fair Labor Standards Act, this has not been a successful endeavor.

As the Recruit will be shorter by a week and a half, Chief Symons stated these employees will be assigned to the stations earlier and can, therefore, obtain some of their training on the job.

Chairman Kyger asked Chief Symons to keep the Board members informed of volunteer issues so the Board will have

that information when it prepares the budget for the coming fiscal year.

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RECREATION & FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Recreation and Facilities Director Eberly's staff report dated August 2, 2007, including information concerning facilities and recreation programs.

Chairman Kyger noted Elkton, Grottoes and Broadway had very successful little league programs.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

AUTOMOBILE

The USDA Department of Rural Development requested Public Works utilize the remaining grant funds available to the Smith Creek Sanitation District. Public Works previously used some of the funds for a back-hoe and tandem axle dump truck. The USDA authorized using the remaining \$97,259.56 funds for the purchase of Utility Bed four wheel drive trucks for use by the utilities crews servicing the Smith Creek infrastructure.

Bids were received from eight vendors as follows:

| Supplier | Bid Price |
|----------------------------------|---|
| Joe Bowman Chevrolet (Chevrolet) | \$28,220.00 (one 2007 vehicle available) |
| Dick Myers Automotive (Dodge) | \$32,396.00 (Bid to supply two 2008 trucks) |
| Lindsey Chevrolet (Chevrolet) | \$32,800.81 (Bid to supply two trucks) |
| Myers Ford (Ford) | \$33,153.00 (Bid to supply two 2008 trucks) |
| Dallas Hollar Ford (Ford) | \$33,247.00 (Bid to supply two 2008 trucks) |
| Dick Myers Chevrolet (Chevrolet) | \$34,957.00 (Bid to supply two 2008 trucks) |
| Mason Motors (Dodge) | \$37,600.00 (Bid to supply two 2008 trucks) |
| Hall Automotive (Chevrolet) | \$37,774.00 (Bid to supply two 2008 trucks) |

Public Works staff recommended purchasing the 2007 Chevrolet vehicle from Joe Bowman Chevrolet and the two 2008 Chevrolet trucks from Lindsey Chevrolet. The 2008 trucks are each \$404.00 higher than the next lowest bid from Dick Myers Automotive for Dodge trucks, but offer a better warranty on the drive trane (5 years/100,000 miles for the Chevrolet trucks versus 3 years/36,000 miles for

the Dodge trucks) and more horsepower for towing and plowing snow. Additionally, Public Works has experienced more problems with Dodge vehicles at low mileage.

As recommended by the Automobile Committee, 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 the purchase of one 2007 Chevrolet Utility body four wheel drive pickup truck from Joe Bowman Chevrolet for \$28,220.00 and two 2008 Chevrolet Utility Body four wheel drive pickup trucks from Lindsey Chevrolet for \$32,800.81 each.

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY

Public Works Director Heidt reported that the Harrisonburg-Rockingham Regional Sewer Authority Board voted to award a contract to Ulliman Schutte Construction, LLC, for the expansion and enhanced modifications to the HRRSA plant. The \$78.5 million contract is below the \$85 million estimate but does not include pre-purchased equipment and significant engineering costs. The total Project Cost Estimate with 5 percent of construction as contingency, was estimated at \$90,676 (\$5 million over the estimate). The County obtained a 60 percent level on grant funding from the Department of Environmental Quality.

VIRGINIA ASSOCIATION OF COUNTIES (VACo)

Chairman Kyger reminded the Board of the half-day symposium and steering committee meetings in Richmond on August 10, 2007.

PUBLIC WORKS COMMITTEE

Public Works received the following bids for providing aggregate materials to the County:

| Size | Frazier Quarry | Luck Stone | Mundy | Brett |
|------|----------------|------------|---------|---------|
| 3x1 | \$11.82 | \$15.95 | \$13.49 | No bid |
| OGB | \$11.82 | \$17.95 | \$13.99 | No bid |
| 21A | \$10.97 | \$13.95 | \$12.99 | No bid |
| 1 IN | \$10.97 | \$13.95 | \$13.99 | No bid |
| 2x1 | \$11.82 | \$15.95 | \$13.49 | No bid |
| 57 | \$12.77 | \$15.95 | \$14.99 | \$14.25 |
| ¼ | \$8.82 | \$15.95 | \$10.99 | No bid |

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 contracting with Frazier Quarry for all aggregate material purchases during the current fiscal year.

SHENANDOAH VALLEY PARTNERSHIP

The Shenandoah Valley Partnership is expanding to include Shenandoah and Page Counties.

CHAIRMAN

Reminding the Board that Rockingham is the leading agricultural county in the State, Chairman Kyger asked that staff schedule a work session to provide to the Board a description of and possible funding sources for purchase of development rights (PDRs) and transfer of development rights (TDRs). He suggested that the Extension Service staff and the new director of the state PDR program be asked to lead the work session, so the Board can determine if Rockingham County wants to establish a policy for receipt of funding. Staff will schedule this work session for September or October 2007.

Supervisor Cuevas said, in his opinion, it would not be reasonable to establish such a program for preserving farmland while the Board continues to rezone large tracts of agriculturally-zoned land for development.

Chairman Kyger said he believed that, in approving rezonings, the Board had conformed very closely to the new Comprehensive Plan and, while PDRs may not be appropriate for every farm, the County should use PDRs and TDRs for preserving farmland in the Comprehensive Plan's agricultural reserve areas.

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CLOSED MEETING.

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 4:51 p.m. to 5:57 p.m. in accordance with State Code Pursuant to Section 2.2-3711(A)(1) discussion, consideration, or interviews of prospective candidate for lobbyist; (6) discussion or consideration of the investment of public funds where bargaining is involved, where if made public initially, the financial interest of the governmental unit would be adversely affected; (7) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation.

At 4:57 p.m., Chairman Kyger called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR CUEVAS NO: X07-16
SECOND: SUPERVISOR BREEDEN MEETING DATE: August 8, 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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AGREEMENT WITH LANTZ CONSTRUCTION CO. FOR ADDITION TO COUNTY ADMINISTRATION CENTER.

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 authorized an agreement with Lantz Construction Company for construction of an addition to the Rockingham County Administration Center on East Gay Street, Harrisonburg, Virginia, and authorized the County Administrator to sign the agreement, subject to final revisions by the County Attorney. The agreement will be filed in the Office of the County Administrator until such time as it may be destroyed in accordance with Virginia law.

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LIBRARY CONTRACT .

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 accepted and authorized the Chairman to sign the following Joint Contract with the Rockingham Library Association.

2007-2008

**Rockingham Library Association
Joint Contract**

In order to continue the maintenance for free public use of the regional library and bookmobile service for the two contiguous counties of Page and Rockingham as heretofore established under the provisions of Section 42.1-43 of the Code of Virginia, 1942, the Rockingham Library Association, Inc. (party of the first part), the Board of Supervisors of Rockingham County, Virginia (party of the second part), and the Board of Supervisors of Page County, Virginia (party of the third part), and the Page Library Association (party of the fourth part), each and severally enter into the following agreement:

1. The party of the second part authorizes the party of the first part to furnish free library service to residents of Rockingham County and agrees to appropriate and pay to the party of the first part the sum of \$756,000 for maintenance and operation of said free library service for the fiscal year July 1, 2007 to June 30, 2008.
2. The party of the third part authorizes the party of the first part to furnish free library service to the residents of Page County, and agrees to appropriate and pay to the party of the first part the sum of \$168,000 for maintenance and operation of said free library service for the year July 1, 2007 to June 30, 2008.
3. The party of the first part agrees to furnish, in both Rockingham and Page Counties, the said free library service as outlined in the aforesaid section of the Code of Virginia, and to provide books, trained personnel, equipment, supplies, and means of distribution according to standards fixed by the State Library Board.
4. The party of the first part agrees to establish and maintain branches or stations in the various towns and villages of Rockingham and Page Counties and at other points as may be needed in these two counties, subject to the recommendation of its chief librarian and the approval of its own Board of Trustees and the Board of Trustees of the party of the fourth part.
5. The party of the first part further agrees to maintain at the central library in Harrisonburg and the central library in Luray, at quarters there to be provided by the party of the fourth part, basic collections of reference books with a minimum value of \$1000.00 each, as approved by the Virginia State Library Board. The party of the first part will exercise authority over all personnel matters for all regional library employees and will pay the salaries of all such employees.
6. The party of the first part agrees that the Board of Trustees of the Page Library Association, as legally constituted, will act in an advisory capacity in the administration of library service in Page County.
7. The party of the fourth part agrees to provide adequate quarters in Luray in which may be housed the basic reference collection referred to above in Section 5.

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ADJOURNMENT .

On motion by Supervisor Breeden, seconded by Supervisor Ahrend, and carried unanimously, the meeting was adjourned at 5:58 p.m.

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Chairman