

July 14, 2010

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 14, 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 – Left at 3:55 p.m.

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
KATHARINE S. McQUAIN, Director of Recreation
FRANKLIN P. O'BYRNE, Director of Information Systems
STEPHEN N. RIDDLEBARGER, Director of Human Resources
ROBERT A. SYMONS, Fire & Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
DIANA C. STULTZ, Zoning Administrator
TAMELA S. GRAY, 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 Eberly gave the Invocation and Director of Finance Allmendinger led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

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 approved the minutes of the regular meeting of June 23, 2010.

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RECOGNITIONS.

The Board recognized Wendell J. Eberly on his retirement after more than 30 years of service with the Department of Recreation and Facilities Management. Administrator Paxton read the following resolution in honor of Mr. Eberly:

R E S O L U T I O N

WHEREAS, Wendell J. Eberly was employed by Rockingham County on January 24, 1980 as Athletics Director in the Department of Parks & Recreation; and

WHEREAS, Mr. Eberly, a lifelong resident of Rockingham County, graduate of Turner Ashby High School and Eastern Mennonite University, was promoted to the position of Director of Parks and Recreation on July 1, 1982; and

WHEREAS, Mr. Eberly has seen the Recreation Department expand to meet the demands of a growing community from a department with five employees and a budget of \$194,000 to one with nine employees, countless volunteers, and a budget of nearly \$1,500,000, serving almost 18,000 participants per year; and

WHEREAS, as a result of his unique skill sets, Mr. Eberly assumed responsibility for the maintenance of all county-owned facilities in 1993, having operational and maintenance responsibility for over 20 properties, and supervision of the maintenance and custodial team of 19 employees and a budget of over \$1,700,000; and

WHEREAS, during his tenure, Mr. Eberly partnered with the School Division to use school properties during off-hours, expanding community activities; and worked closely with the Recreation Commission to enhance the sports programs and to respond to requests for recreation programs such as dance, aerobics, senior citizen activities, and arts and crafts classes, thereby providing recreational opportunities for young and old; and

WHEREAS, with Mr. Eberly's leadership, the County built strong community partnerships resulting in the use of privately-built facilities, such as the Monger Sports Complex; the renovation and development of the Plains District, Bergton, and Singers Glen Community Centers, and the development of West Rockingham Ruritan, Broadway, and Albert Long Parks, among many such partnerships; and

WHEREAS, Mr. Eberly has served the citizens of Rockingham County tirelessly, providing his service in a conscientious, fair, and open manner, looking to meet the recreational needs of our community; and

WHEREAS, Mr. Eberly has announced that he will retire from service with Rockingham County on June 30, 2010, after 30 years of dedicated public service.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, hereby recognizes Wendell J. Eberly for his outstanding contribution benefiting our community for the past 30 years, and extends its sincere appreciation for his dedicated and tireless service, and wishes him well in his retirement.

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 Resolution for Wendell J. Eberly, Director of Recreation and Facilities Management.

Wendell expressed appreciation for the support he has received over the years from the Board and his staff.

Fire and Rescue Chief Robert A. Symons recognized Lieutenant Wayne S. Peer for receiving the 2010 Governor's Career and Technical Education Exemplary Standards Award for the Fire and Rescue Program he developed and teaches at Massanutten Technical Center. Chief Symons also recognized Massanutten Technical Center Director W. Marshall Price for his leadership in initiating this program four years ago.

Mr. Price noted that Lieutenant Peer and his program were selected for the Governor's exemplary career and technical education program, which is a model program for the State. Lieutenant Peer will meet Governor Bob McDonnell in August and will receive a \$5,000 grant for use in the program. Five graduates of this program have been employed by the County's Fire and Rescue Department and one by the City. He also noted that all current second-year students volunteer with a local fire department, and that participants of this program have won first place in Fire Fighting and First Aid/CPR programs for three years in the Virginia Skills USA competition.

Lieutenant Peer stated that it was an honor to receive this award and he thanked the Board and school administration for their support.

Administrator Paxton and Finance Director Allmendinger presented a Certificate of Achievement from the Government Finance Officers Association for Excellence in Financial Reporting to the members of the Finance Department. This is the 28th consecutive year the County has received the award.

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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 Bergton Road (Route 820).

Mr. Komara noted that the contractor for the Bergton Road (Route 820) project submitted a proposal for temporary traffic signals to be used in place of flagmen. Traffic will be stopped more frequently but for a shorter time. Chairman Cuevas and Mr. Komara will look into this request.

In response to a question from Supervisor Eberly regarding the resurfacing program for main roads with moisture cracks in the surface, Mr. Komara explained that a team studies and ranks the roads. They consider the performance of different surfaces and traffic volume.

Mr. Komara informed Supervisor Floyd that he will assess the damage on Duck Run Road (Route 674) where use by large trucks has resulted in numerous potholes. He also noted that the second entrance to the hospital, at the traffic light, should be used by vehicles traveling west on Port Republic Road. The first entrance is intended for staff and deliveries.

Supervisor Kyger reported that he received correspondence from Dairymen Specialty and Shenandoah Driving School regarding John Wayland Highway (Route 42). Mr. Komara noted that traffic will become worse with the changes to Erickson Avenue and the traffic management department would probably recommend that the road be closed, but Mr. Komara hopes to find another alternative. Supervisor Kyger asked Mr. Komara to accompany him on visits to the businesses in that area in an attempt to find a better solution. Mr. Komara noted that an access road from Erickson Avenue may still be a solution.

Administrator Paxton reported that after removal of the tree on Sunset Drive, drivers are not slowing down at that spot where there is little room to pass. Since there is a box culvert on the other side of the road, automobiles can easily go down into the

ditch. He suggested that the tree stump be removed and the road widened, or posts erected so drivers realize the road is narrow.

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CHILD ADVOCACY CENTER.

Angie Strite, Director of Development for the Child Advocacy Center (CAC) which is housed under The Collins Center and was formerly known as Citizens Against Sexual Assault (CASA), outlined the services offered by the Child Advocacy Center to prevent sexual violence and support individuals affected by it.

Ms. Strite and Assistant County Attorney Rachel Figura explained the benefits of this program for children and families who are victims of sexual assault, as well as the Harrisonburg Rockingham Social Services District.

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STATE PERFORMANCE CONTRACT – HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD.

Lacy T. Whitmore, Jr., Executive Director, Harrisonburg-Rockingham Community Services Board (CSB), reviewed the Fiscal Year 2011 State Performance Contract previously provided to the Board, which identifies funding resources and agency responsibilities in providing services that ensure accountability and quality of care.

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 the Fiscal Year 2011 State Performance Contract for the Harrisonburg-Rockingham Community Services Board.

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DROUGHT CONDITIONS AND BURN BAN.

Due to recent rains, a ban on open air burning was not necessary at this time.

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 Fire and Rescue Chief, in conjunction with the County Administrator, to declare a burn ban in the County when conditions dictate.

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 authorized that a resolution be sent to the federal government requesting that a natural disaster be declared in Rockingham County due to drought conditions.

This request is for agricultural crops and other related items that have been damaged due to the drought, and this action is necessary for farmers to be eligible to apply for low-cost loans for damages and lost income.

Chairman Cuevas explained that the Board is declaring that conditions exist for a natural disaster, but the federal government will conduct site inspections to determine if a farmer is eligible for the low-cost loans. Administrator Paxton noted that the Extension Service will be required to file a loss report with the Board's resolution.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated July 9, 2010.

Administrator Paxton reviewed his report, including the change in tax collection dates discussed at the June 23, 2010 meeting. In reviewing the matter further it was determined that it is not practical to change the tax collection dates due to budget submission dates and the schedule to set the tax rate. However, it was noted that taxpayers currently can pay their taxes earlier than the due date if they desire.

Administrator Paxton reviewed the County's ranking in a recent *Richmond Times Dispatch* article regarding the cost of local government services. The County was the second largest in the region in population and land area and the comparison with the eight adjacent localities and Frederick County indicates the County is operating efficiently and effectively on a per capita basis.

Administrator Paxton stated that in 2008 the County was asked to select directed school funding from the federal government or a more discretionary payment through the payment-in-lieu-of-taxes (PILT) program. The County chose to use the PILT payment and continued to receive its share of the National Forest Reserve Funds which are dedicated to school expenditures. The County can select the higher Rural Schools funding instead of the Forest Reserve allocation before August 1, 2010. Administrator Paxton will confirm that receiving the higher Rural Schools funding will reduce the PILT payment by a commensurate amount. If so, staff recommends continuing to receive the PILT and Forest Reserve payments.

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 continue with the PILT and Forest Reserve payments.

Administrator Paxton noted Mr. Wong from the Harrisonburg Redevelopment and House Authority requested that the County participate in a homeless forum on July 15, 2010 but the Board has not developed a policy position regarding homelessness in our area. With the consent of the Board, Chairman Cuevas appointed Deputy County Administrator Stephen King to attend the forum and obtain information for the Board's consideration.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller distributed an ordinance outlining various collection methods for decal license fees. He drafted the ordinance to keep the revenue neutral and included the charge for the decals in the personal property tax bill. He noted that currently the Treasurer receives \$5 each for approximately 100 antique motor vehicle decals. Since there are no tax bills for these vehicles, the Treasurer recommended omitting this decal category at an annual loss of \$500.

Administrator Paxton noted that the ordinance is for review purposes and will be considered at the August 11, 2010 meeting.

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Supervisor Breedon left the meeting at this point.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Deputy County Administrator King's staff report dated July 9, 2010.

Calvary Mennonite Fellowship asked to be included on the permanent pump and haul list. This request does not require Board action but Mr. King informed the Board that the Director of Public Works will update the list for the health department.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Riddlebarger's staff report dated July 14, 2010.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated July 14, 2010.

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PUBLIC WORKS COMMITTEE REPORT.

Chairman Cuevas read the following statement on behalf of Supervisor Breeden and the Public Works Committee:

On behalf of the Public Works Committee, we request a motion to authorize staff, meaning Mr. Heidt, Mr. Paxton and Attorney Miller, to take the necessary steps to cease the County's operation of the television translator system at the end of the year 2010. Staff is recommended to prepare a public notice campaign to inform the public that will be affected by this change of County Operation. We are also asking staff to continue meeting with the representatives of Channel 3 and Channel 29 to see if there is still any interest in the acquisition of those sites and the continued operation of those sites.

Inclusive in this request from the staff is if nothing works out with Channel 3 and Channel 29 is a recommendation for the Board to dispose of the equipment and to check on the probability of selling and generating some revenues from the frequencies that Rockingham County now has ownership of.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board authorized staff to take the necessary steps to cease the County's operation of the television translator system no later than December 31, 2010. Further, if TV-3 and Channel 29 do not wish to continue use of the existing facilities, staff is authorized to dispose of the equipment and look into the possibility of selling the frequencies.

In response to a question from Supervisor Eberly, Administrator Paxton explained that there are a number of television sites in the area owned by TV-3 and they do not currently use the County's equipment. Staff will determine if TV-3 wants to take over any of the County sites and change them to the TV-3 frequency. If the County ceases operation of the translator system, Channels 5 and 9 (Washington)

would not transmit in the area and Channel 29 (Charlottesville) would not transmit on Little North Mountain. The signal for Channel 29 at Massanutten Peak would not be affected but the White Grass Knob signal in Bergton and Criders would be affected.

Chairman Cuevas noted that if the County continues to operate the television translator system, a \$250,000 upgrade is needed. The County began operating this system to provide local television to remote areas. Signals are now available in these areas with other systems.

Administrator Paxton and Public Works Director Heidt will provide the Board with detailed information before a final decision on disposal of the equipment is made.

The following bids were received for the Donnelley Water Storage Tank Maintenance Agreement project:

Contractor	Bid Total – Annual Fee Fixed 5 Years
Utility Services Company	\$28,482
Caldwell	\$33,392
Preferred Tank & Tower	\$ 9,520 (Non- Responsive Bid)
Engineers Estimate	\$40,447

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board authorized the County Administrator to award the Donnelley water tank maintenance contract to Utility Services Company at an annual cost not to exceed \$28,482.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Vaughn’s staff report dated July 14, 2010.

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INFORMATION SYSTEMS DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. O’Byrne’s staff report dated July 8, 2010.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated July 6, 2010.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board authorized a supplemental appropriation to 001-3201 Fire & Rescue in the amount of \$30,085 with funding to be provided from two state grants from the Office of EMS – one for 100 Motorola Minitor V pagers (\$28,240) and the other for an advanced life support baby airway manikin (\$1,845).

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the \$52,020 awarding a contract to Image Trend for software which will permit the rescue squads and fire departments to use one software package for reporting purposes.

Chief Symons informed the Board that Captain Jim Junkins from the Emergency Operations Center provided a report asking the City to approve a \$400,000 grant to upgrade the 9-1-1 mapping system. He explained that this grant does not pertain to the radio system but is part of the 9-1-1 emergency telephone system at the Communications Center.

Supervisor Kyger noted that there has been a documented residential life saving sprinkler save in the City of Harrisonburg.

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RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. McQuain's staff report dated July 8, 2010.

Mrs. McQuain asked the Board to consider the purchase of an irrigation system for use on school athletic fields that are used by the Recreation Department. The County currently owns two systems, which are moved between the three middle schools, and with the dry weather, the additional system will help to keep the fields adequately watered. This is important for the safe use of the fields and to keep them from being damaged by normal use.

Administrator Paxton requested that the Board authorize the purchase of two additional irrigation systems at a cost of \$15,100 in case one is needed for the new field being constructed as part of the East Rockingham High School project.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved a supplemental appropriation to 001-7104 Parks-Athletics and Programs for \$15,100 to purchase two additional irrigation systems for the Recreation Department (if two are needed). Funding is to be provided from the General Fund Reserve.

Supplemental Appropriation: \$15,100

\$15,100	GL Code: 001-07104-000-8001-000	Machinery & Equipment
\$15,100	GL Code: 001-05201-0100	General Fund Reserve

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FINANCE COMMITTEE REPORT.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the following General Fund supplemental appropriation:

Sheriff

The County received a Byrne Justice Assistance Grant for the Authenticated Digital Asset Management System (ADAMS) project. A supplemental appropriation of \$74,967 is requested for the purchase of a digital asset program, computer server, digital cameras, and media cards. Federal funds of \$71,219 will be provided. The remaining \$3,748 will be provided by the County’s General Fund Reserve and the City of Harrisonburg, with each contributing \$1,874.

Supplemental Appropriation: \$74,967

\$ 39,781	GL Code: 001-03102-180-6065-000	Minor Equipment
\$ 34,526	GL Code: 001-03102-180-8001-000	Machinery & Equipment
\$ 660	GL Code: 001-03102-180-6014-000	Other Operating Supplies
\$ 71,219	GL Code: 001-03900-1400	Byrne JAG Grant
\$ 1,874	GL Code: 001-05201-0100	General Fund Reserve
\$ 1,874	GL Code: 001-01899-0600	Share of Costs – City of Harrisonburg

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RECESS.

At 4:43 p.m., Chairman Cuevas declared the meeting recessed for dinner.

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CALL TO ORDER.

Chairman Cuevas called the regular meeting back to order at 6:05 p.m.

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COMMITTEE REPORTS.

Shenandoah Valley Partnership

Administrator Paxton reported that the Annual Shenandoah Valley Partnership Meeting will be held on July 23, 2010 at the Augusta County Government Center.

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APPOINTMENT.

Chairman Cuevas noted that he hopes to have a recommendation for a District 1 representative on the Planning Commission at the July 28, 2010 meeting.

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RABIES CLINICS.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the following rabies clinics:

August 21 or 28, 2010: 9-11 a.m., Custer's Gun and Dog Supply Store, Fulks Run

November 13, 2010: 12-2 p.m., Rockingham County Fairgrounds

January 8, 2011: 12-2 p.m., Rockingham County Fairgrounds

February 5 or 12, 2011: 11-1 p.m., Custer's Gun and Dog Supply Store, Fulks Run

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PUBLIC HEARING – SPECIAL-USE PERMIT REQUEST.

At 6:08 p.m., Chairman Cuevas opened the public hearing and Ms. Stultz reviewed the following special-use permit applications:

SUP-091 Brent Burkholder, 484 Weaver Road, Harrisonburg, for storage (excluding mini-warehousing) by commercial users or private

individuals on property located on the south side of Eversole Road (Route 766) approximately 600 feet west of Gailcrist Drive (private); Election District #2; Zoned A-2; Tax Map #93-(A)-29B.

Ms. Stultz requested a condition be added that all storage shall be inside the building, and there shall be no outside storage allowed.

The applicant stated that the potential renter wants to use the building to store furniture and Inner Finish Systems (cabinetry). There will be no employees or retail sales. Mr. Burkholder noted that if this request is approved, it will allow him flexibility to rent storage space to other businesses in the future. The prospective renter would like to periodically park two trailers at the back of the property in the gravel lot, Mr. Burkholder said. Ms. Stultz stated she was not previously aware of this request and expressed concern with trailers parked in an A-2 district as it can lead to trucks being dispatched from that location or parked there all the time. Attorney Miller stated there is no provision to park trailers in an A-2 district, but leaving the trailer for a reasonable time to unload would be acceptable. Mr. Burkholder indicated he did not think the prospective renter's intention was to park trailers on the lot for long periods of time, but they may remain on the lot more than a day.

After further discussion, Chairman Cuevas informed Mr. Burkholder that following input from the public, he could call the renter to determine his intentions regarding how many trailers may be left on the lot and the length of time they would be parked there.

John Marafino, who owns property next to this site, stated he had no objection to a storage facility but was concerned that items, particularly with future renters, would be stored outside the building. He also expressed concern about trucks being parked for a long time. He asked for assurance from the Board and Mr. Burkholder that this would not occur.

SUP-116 Barry A. Hensley, 14372 South East Side Highway, Grottoes for a public garage on property located on the northwest side of S. East Side Highway (Route 340) approximately 1/2 mile southwest of Port Republic Road (Route 253); Election District #3; Zoned A-2; Tax Map #160-(A)-12.

This special-use permit request was made after a building on the property, which was used as a public garage, burned down. When the applicant requested a permit to rebuild, it was discovered that Mr. Hensley did not have a special-use permit for the original garage.

In response to a question from Supervisor Kyger, Ms. Stultz noted that this property is 2.5 miles or more from the municipal sewer hookup.

The applicant said he wants his property to be in compliance and zoned properly.

No one spoke in opposition to this request.

Chairman Cuevas noted that Supervisor Breeden had to leave earlier due to a family issue. Special-use permit request 127 will be heard and tabled so Supervisor Breeden can make a recommendation on July 28, 2010, Chairman Cuevas said.

SUP-127 Thomas Edward Barton, 6702 East Point Road, Elkton, for an automobile graveyard for vehicles to be refurbished and parts (not open to the public) and garage to restore antique vehicles (like use to public garage, but not open to the public) on property located on the east side of East Point Road (Route 602) approximately 1/2 mile north of River Road (Route 635); District #5; Zoned A-2; Tax Map #99-(A)-91.

This request is the result of a zoning violation. The applicant needs to clean up the junk vehicles and other trash on the property, Ms. Stultz said. She received two letters of opposition regarding the auto impound lot and fluids running from the property into a lake.

The applicant stated he refurbishes old cars. He has been using the property for this purpose for years and disposes of fluids properly. There is another salvage yard adjacent to this property, he said.

At 6:41 p.m., Chairman Cuevas closed the public hearing and reconvened the regular meeting.

Mr. Burkholder informed the Board that he talked with the potential renter, Mr. Martin, who stated there would be no more than two trailers on the lot and parking them for a maximum of 48 hours per trailer would allow ample time for unloading and reloading.

Supervisor Kyger asked Mr. Burkholder to make sure Mr. Martin understands there are residents living nearby.

On motion by Supervisor Eberly, seconded by Supervisor Kyger and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board, subject to the following conditions, approved SUP-091, Brent Burkholder, 484 Weaver Road,

Harrisonburg, for storage (excluding mini-warehousing) by commercial users or private individuals on property located on the south side of Eversole Road (Route 766) approximately 600 feet west of Gailcrist Drive (private); Election District #2; Zoned A-2; Tax Map #93-(A)-29B:

1. Use shall be located in substantial accordance with plot plan as approved.
2. A change of use building permit shall be obtained to convert the building from a farm structure to a commercial structure.
3. If alterations are made to the structure, they shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
4. This permit is contingent upon the applicant being able to meet sight distance requirements.
5. The existing entrance shall be upgraded to low volume commercial entrance standards as required by VDOT. A permit shall be obtained from VDOT and a copy of same shall be submitted to the Community Development Department.
6. As agreed upon by VDOT, applicant shall have until April 15, 2011 to bring the entrance up to the low volume commercial entrance standards.
7. This structure shall be used for storage only. There shall be no employees working from the structure. Employees shall be at the structure only during deliveries and picking up of merchandise by the company and not private individuals.
8. 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.
9. As this business shall not be open to the public, there shall be no advertising sign on the property.
10. All storage shall be inside the building, and there shall be no outside storage allowed.
11. 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.
12. There shall be no more than two semi-trailers parked on the property at any one time, and no semi-trailer shall be parked on the property for more than 48 hours.

Since Barry Hensley is in violation of his existing special-use permit, Supervisor Floyd asked to table SUP-116 for 90 days to allow Mr. Hensley time to bring his existing permit into compliance. If the permit is in compliance before that, the Board can reconsider this request sooner, Supervisor Floyd said.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board tabled SUP-116, Barry A. Hensley, 14372 South East Side Highway, Grottoes for a public garage on property located on the northwest side of S. East Side Highway (Route 340) approximately 1/2 mile southwest of Port Republic Road (Route 253); Election District #3; Zoned A-2; Tax Map #160-(A)-12.

On behalf of Supervisor Breeden, on motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board tabled SUP-127, Thomas Edward Barton, 6702 East Point Road, Elkton, for an automobile graveyard for vehicles to be refurbished and parts (not open to the public) and garage to restore antique vehicles (like use to public garage, but not open to the public) on property located on the east side of East Point Road (Route 602) approximately 1/2 mile north of River Road (Route 635); District #5; Zoned A-2; Tax Map #99-(A)-91 until July 28, 2010.

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PUBLIC HEARING – DISPOSAL OF REAL ESTATE KNOWN AS ALBERT LONG PARK.

At 6:46 p.m., Chairman Cuevas opened the public hearing and Administrator Paxton explained that Albert Long Park was divided into two tracts with the construction of the new extension to Fieldale Place which intersects with Reservoir Street. The street realignment took land from the main body of the park so the minor league and t-ball league baseball field was displaced. Some land acquired from VDOT was added to the tract when the road adjacent to the park was abandoned. The Board would like to offer the two tracts of property for sale. When the land was given to the County by the Long family in the early 1970s there was a condition that a park was to be constructed within several months of acquisition. Therefore, the proceeds from the sale of this property will be used for recreational purposes.

Tim Long, who has served as past president of the Keezletown Ruritan Club and past commissioner of the little league program, has been associated with Albert Long Park more than 20 years. He reported that the park has a sanctioned Cal Ripken/Babe Ruth program. The farm and t-ball leagues scheduled more than 30 games with 72 children from the Keezletown community participating this year. Mr. Long stated that the leagues were able to use Redeemer Classical School's field and the Keezletown ball field for their games when the road construction began. He requested that a park facility be relocated in District 3.

John Cuellar, who has lived in the community 16 years, coaches baseball and has served as president of the East Rockingham Recreation Association. He commended the Board for establishing recreational facilities in various areas of the County, but stated the Cross Keys/Mill Creek area lacks a baseball field for 13-18 year olds. He envisions a 15-20 acre park with four athletic fields for soccer, football, softball and baseball, as well as a walking trail and/or biking trail.

Supervisor Kyger noted that the individual communities constructed the recreational facilities Mr. Cuellar mentioned, not the County.

Ed Comer stated the Keezletown and Cross Keys/Mill Creek Ruritan Clubs are very enthusiastic about working together to help erect a park in District 3.

Supervisor Kyger confirmed that a park would not be built on a battlefield.

At 6:58 p.m., Chairman Cuevas closed the public hearing and reconvened the regular meeting.

On motion by Supervisor Floyd, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board authorized staff to move forward with the sale of the following two tracts of land which are the residue of the Albert Long Park, with the proceeds used toward a recreational facility in District 3:

All that tract of land containing approximately 0.612 acre, with all improvements thereon, located 0.6 mile northeast of Port Republic Road, on Albert Long Drive, in Rockingham County, Virginia, known as Tax Map parcel #125-A-144A, and commonly known as the *Albert Long Park* Property, and;

All that tract of land containing approximately 5.073 acres, with all improvements thereon, located at the intersection of State Routes 895 and 710, in Rockingham County, Virginia, known as Tax Map parcel #125-A-144, and commonly known as the *Albert Long Park* Property.

Further action will be required by the Board to accept the final sale price and terms for the property.

Supervisor Cuevas suggested that the citizens from District 3 locate possible sites that meet the desired acreage, price and vision they have for a park.

Administrator Paxton stated that the new Director of Recreation is anxious to meet with, and receive suggestions from, citizens.

In response to the earlier statement made by Supervisor Kyger that the park not be located on the battlefield, he noted that it would be acceptable to share a battlefield parking area but he would object to a park being located in the core of the battlefield.

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RECESS.

At 7:05 p.m., Chairman Cuevas declared the meeting recessed for a meeting of the Lilly Subdivision Sanitary District Board.

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CALL TO ORDER.

Chairman Cuevas called the regular meeting back to order at 7:07 p.m.

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ADJOURNMENT.

Chairman Cuevas adjourned the meeting at 7:08 p.m.

_____,
Chairman