

October 14, 2009

The Regular meeting of the Rockingham County Board of Supervisors was held on Wednesday, October 14, 2009, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WENDELL J. EBERLY, Director of Recreation & Facilities
WARREN G. HEIDT, Director of Public Works
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
GRETCHEN M. SALLAH, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

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

Supervisor Breeden gave the Invocation; Community Development Director Vaughn led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of September 23, 2009.

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INTRODUCTION OF STUDENTS.

Students from Eastern Mennonite High School introduced themselves to the Board.

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RECOGNITION.

The Board recognized Guy Lynn Madden in his retirement after nine years of service with the Department of Recreation and Facilities. Administrator Paxton thanked Mr. Madden for his service, Chairman Eberly presented him with a clock and Mr. Eberly commended him for his work.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department which included upcoming advertisement and bid schedules, maintenance projects and repairs and preparations for inclement weather.

Supervisor Kyger asked if the Transportation Department would look into improvements to a blind curve on Ridgedale Road (Route 710) where trees, a hill and the curve of the road combine to impede sight distance for motorists.

Mr. Komara indicated the slope had twice been worked on and he suggested cutting the lower tree limbs may improve sight distance. He agreed to look into the matter.

Supervisor Floyd suggested the road may need to be straightened to correct the problem.

Upon inquiry from Supervisor Breeden, Mr. Komara reported that the roadwork on Rockingham Pike (Route 981) at the intersection with Spotswood Trail (Route 33) across from East Point Road (Route 602) is part of the planned improvements associated with the new East Rockingham school complex.

Administrator Paxton requested that, if the County was approved for the Revenue Sharing Funds, Mr. Komara coordinate the road construction project with the opening of the new school to ensure a smooth transition.

Chairman Eberly requested the Transportation Department look into hazardous driving conditions on Wengers Mill Road (Route 753) where Shultztown Road (Route 785) intersects on a knoll and whether improvements could be made to make the area safer for motorists.

Administrator Paxton informed the Board that the State submitted its own TIGER grant application for a project in the Tidewater area which may take precedence over the County's application for the Southeast Connector project. He suggested the County use money from the Secondary Road Project budget to keep the Southeast Connector Project on schedule until further funding becomes available.

Supervisor Kyger also reminded the Board that Revenue Sharing Funds have been previously set aside for the Southeast Connector.

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SHENANDOAH VALLEY REGIONAL AIRPORT.

Administrator Paxton stated the Shenandoah Valley Regional Airport Commission has found that it could get a lower interest rate through the Rural Housing Service, an agency of the United States Department of Agriculture, and needed the member localities to approve the transaction since it was a change from using the Virginia Resources Authority as the borrowing entity. The airport plans to use the funds to develop an area for open span aircraft hangers.

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

SUPPLEMENTAL RESOLUTION

IN REGARD TO
SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION

WHEREAS, the Shenandoah Valley Regional Airport Commission (the "Commission"), was duly established pursuant to the Code of Virginia, 1950, as amended, and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (collectively, the "Member Localities").

WHEREAS, the Commission has determined to issue and sell its aggregate up to \$550,000 taxable airport revenue note or bond to United States of America, acting through Rural Housing Service, an Agency of United States Department of Agriculture ("RHS"), in order to obtain favorable long-term financing of the costs to: (i) acquire, construct and equip site improvements in connection with the development of open span aircraft storage hangars and facilities relating thereto at SVRA on a site consisting of approximately 12 Acres, including grading, drainage and building pad preparation improvements and various other preliminary costs in connection therewith, (ii) acquire, construct and equip all or any portion of such hangars and facilities, and (iii) pay issuance costs (collectively, the "Project").

WHEREAS, each of the Member Localities previously approved the incurrence of indebtedness by the Commission in connection with the Project, including interim financing therefor (each such approval being referenced as the "Prior Approval").

WHEREAS, the Prior Approval contemplated that Virginia Resources Authority would provide such long-term financing of the Project, and accordingly, the Commission now desires each of the governing bodies of the Member Localities to approve the permanent financing of the Project by RHS in order to obtain a lower cost of funds, subject to the determination of the final terms and provisions therefor (the "RHS Loan").

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Rockingham County, Virginia (the "Locality"), as follows:

1. The incurrence of the RHS Loan by the Commission, from time to time, is hereby approved and authorized, to the fullest extent as may be required, if at all.
2. It is to be understood that nothing contained in this Resolution shall be deemed to be a debt or a pledge of the faith and credit or the taxing power of the Locality, and nothing herein or therein shall legally bind or obligate the Locality to appropriate funds for such purposes. The indebtedness of the Commission represented by the RHS Loan (or otherwise in connection with the Project) shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the Locality, and neither the faith and credit nor the taxing power of the Locality shall be pledged

for the payment of the principal of or interest on the RHS Loan or any other obligation of the Commission to RHS in connection with the Project or any other costs incident thereto.

3. The Prior Approval, as amended by this Supplemental Resolution, is hereby approved and confirmed. To the extent required, if at all, the County Administrator is authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates and other documents, as may be necessary or convenient, in order to carry out the purposes hereof and in furtherance, otherwise, of the long-term financing of the Project by the Commission as described herein.

4. This Resolution shall be effective immediately.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated October 9, 2009. Administrator Paxton advised the Board that at a subsequent meeting, they would receive an update to Camp Kaleidoscope Director Lee Van Orden's allegations concerning the Social Services District which she raised at the September 23, 2009 meeting. County Attorney Miller is reviewing the documents Ms. Van Orden's attorney supplied last week.

During a recent meeting, the Finance Committee discussed additional State budget cuts and their effect on the budgets of Constitutional Officers. Staff continues to address these funding reductions and the impact on services.

Staff and Board members have been making presentations informing civic and school groups about the food and beverage (meals) tax referendum that will be on the November 3, 2009 election ballot. Administrator Paxton stated it has been helpful to educate and discuss with the community the Board's intent and plan to use all proceeds from prepared food and beverage items to fund school construction and on-going maintenance at County schools.

Administrator Paxton attended a public meeting in Harrisonburg with Commonwealth Attorney Marsha Garst and other law enforcement officials to discuss gang activity in the Harrisonburg-Rockingham area. He said gang activity in the area

has escalated from non-violent to violent crimes and meeting participants agreed the community needs to make a concerted effort to provide alternatives to gang involvement for youth.

Staff has been working to revise Community Development's policies and procedures addressing storm water management regulations recently approved by the Department of Conservation and Recreation, he said.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated October 9, 2009 which included information from the Virginia Department of Health (VDH)'s proposed emergency regulations for the operation and maintenance of alternative onsite sewage disposal systems. Mr. King clarified his report and stated that such systems will need to be inspected annually by a certified licensed operator and sampling will have to be done every five years.

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FINANCE DIRECTOR'S STAFF REPORT.

Mr. Allmendinger did not have a written report but was present to answer questions. He indicated there was a correction to the Finance Committee report regarding the Clerk of the Circuit Court's supplemental appropriation to be discussed later in the meeting.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated October 14, 2009.

Supervisor Kyger requested, on behalf of a citizen, that the container for lawn refuse be moved to a location that is lower and easier to access. The current bin position makes it difficult for citizens to lift the refuse into the bin.

Mr. Heidt said the vegetative matter refuse container had to be moved for work to take place at the landfill, but that he would expedite the work in order to accommodate the request and replace the bin to its earlier, more accessible position.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated October 14, 2009.

Mr. Vaughn requested the Board endorse the Central Shenandoah Planning District Commission (CSPDC) and the Shenandoah Valley Partnership's (SVP) Regional Strategic Initiatives, which help guide the region with its economic development.

On motion by Supervisor Cuevas, 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 endorsed the Central Shenandoah Planning District Commission (CSPDC) and the Shenandoah Valley Partnership's (SVP) 2009-2010 Regional Strategic Initiatives.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated October 8, 2009.

The Information Technology Security Policy has been updated to include changes in technology and its impact on data and equipment, which include sections for website monitoring and employee responsibility for Internet use, according to Administrator Paxton and Mr. O'Byrne's staff report. The policy is expected to be completed and ready for Board action in November.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated October 7, 2009.

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RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated October 8, 2009.

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COMMITTEE REPORTS.

CHAMBER OF COMMERCE

Supervisor Cuevas reported the Chamber continues its search for an Executive Director.

FINANCE

Supervisor Cuevas introduced several supplemental appropriations for consideration.

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

1. Sheriff

A supplemental appropriation of \$631 for Breath Alcohol Training for deputies. This will be paid / reimbursed by the Virginia Department of Forensic Science and therefore no local funds will be needed.

Supplemental Appropriation: \$631

\$631 GL Code: 001-03102-100-5504-000 Professional Development –
Grants & Donations
\$631 GL Code: 001-02404-9900 Other State Funds

2. Clerk of the Circuit Court

A supplemental appropriation of \$322,187 for the following: \$247,000 to complete restoration and digitizing all wills and marriage bonds, \$28,084 to pay the vendor (ACS) for secure remote access, and to make up any reduction of the proposed cut of 15% in this operation's funding by the state.

Supplemental Appropriation: \$322,187

\$247,000 GL Code: 001-02106-100-3100-000 Professional Services –
Preservation - TTF
\$ 28,084 GL Code: 001-02106-100-3109-000 Other Professional Services – TTF
\$ 9,000 GL Code: 001-02106-100-6065-000 Minor Equipment – TTF
\$ 38,103 GL Code: 001-02106-100-8007-000 Computer Equipment
\$322,187 GL Code: 001-02309-0200 Revenue – Clerk Technology
Trust Fund

3. Fire & Rescue

A supplemental appropriation of \$3,083 for personnel cost associated with a regional hazardous materials response to Greene County. These funds have been received from the Virginia Department of Emergency Management and therefore no local funds are required.

Supplemental Appropriation: \$3,083

\$3,083	GL Code: 001-03201-000-1200-000	Overtime Cost
\$3,083	GL Code: 001-02404-3400	Hazmat Response Revenue – State

4. Court Services Department

The State awarded a grant entitled “Assessing the Impact of and Responding to the Mentally Ill” for the fiscal year totaling \$77,122 which consists of \$57,840 in Federal funds and \$19,282 in local matching funds. The local match of \$19,282 has been paid by the Community Services Board and therefore no local funds will be required.

Supplemental Appropriation: \$77,122

\$48,000	GL Code: 001-02110-700-1100-000	Salaries & Wages – Full Time
\$ 3,672	GL Code: 001-02110-700-2100-000	FICA / Medicare
\$ 90	GL Code: 001-02110-700-2703-000	Workers Comp Insurance
\$ 6,375	GL Code: 001-02110-700-3301-000	Repairs & Maintenance
\$ 3,030	GL Code: 001-02110-700-5501-000	Mileage
\$ 3,600	GL Code: 001-02110-700-5503-000	Subsistence & Lodging
\$10,400	GL Code: 001-02110-700-6001-000	Office Supplies
\$ 1,955	GL Code: 001-02110-700-6065-000	Minor Equipment
\$19,282	GL Code: 001-01803-0206	Charges for Other Personnel
\$57,840	GL Code: 001-03900-1400	DCJS-Byrne Grant

5. Environmental Management

A supplemental appropriation of \$684 for Floodplain Manager Certification Training and Testing. Funding would be provided from the contingency account.

Supplemental Appropriation: \$684

\$ 684	GL Code: 001-08106-000-5504-000	Professional Development
\$(684)	GL Code: 001-09110-000-5800-000	Contingency Account

6. Transportation Planning

A supplemental appropriation of \$5,980 for the TIGER (Transportation Investment Generating Economic Recovery) grant for the construction of the Erickson Avenue-Stone Spring Road/Southeast Connector. This grant was considered and endorsed by the Board of Supervisors at the regular meeting held on September 9, 2009. This is Rockingham County's share of the cost and funding would be provided from the contingency account.

Supplemental Appropriation: \$5,980

\$ 5,980 GL Code: 001-08107-000-3109-000 Other Professional Services
\$(5,980) GL Code: 001-09110-000-5800-000 Contingency Account

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COMMITTEE REPORTS.

HARRISONBURG-ROCKINGHAM SEWER AUTHORITY

Mr. Heidt announced Sharon Foley was selected to be the next Executive Director of the Authority. Ms. Foley, who is currently the air-permit manager at the Virginia Department of Environmental Quality, will start November 2. The current Executive Director, Curtis Poe is retiring in December.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Vaughn reported the next Board of Directors meeting would be held on October 23, 2009.

SOCIAL SERVICES ADVISORY BOARD

Supervisor Breeden said the reorganized Board was going well and would continue to become more active as it evolves.

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CLOSED MEETING.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board recessed the meeting from 3:43 p.m. to 4:20 p.m., for a closed meeting pursuant to Section 2.2-3711(A)(7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating position of the County; and consultation with legal counsel

regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR KYGER RESOLUTION NO: 09-12
SECOND: SUPERVISOR BREEDEN MEETING DATE: OCT. 14, 2009

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: BREEDEN, CUEVAS, EBERLY, FLOYD, KYGER
NAYS: NONE
ABSENT:

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ADJOURNMENT.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board adjourned the meeting at 4:21 p.m.

Chairman