

December 10, 2008

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, December 10, 2008, 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
RHONDA G. HENDERSON, Director of Planning
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
PLEDGE OF ALLEGIANCE
INVOCATION.**

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

Community Development Director Vaughn led the Pledge of Allegiance. Administrator Paxton gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Eberly, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of November 12, 2008.

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VIRGINIA ASSOCIATION OF COUNTIES (VACo) PRESENTATION.

Supervisor Kyger, former President of VACo, presented Supervisor Breeden with a certificate on behalf of VACo in recognition of Supervisor Breeden's 10 years of service in public government.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department including the following:

- North Main Street (Route 42) and Mt. Crawford Avenue (Route 1310) in Bridgewater – traffic signal is working
- Bergton Road (Route 820) – digging shell which is a good winter job
- Kerns Road (Route 731) – replacing bridge with a new box culvert
- Peake Mountain Road (Route 612) – fixing bridge
- Cutting brush and preparing for inclement weather

Mr. Komara requested the Board approve adding two roads in the Cloverdale Subdivision to the Virginia Department of Transportation’s secondary system of state highways.

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

RESOLUTION

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.27 miles to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: <u>Cloverdale</u>	Total Length: <u>0.14 miles</u>
Name of Street: <u>Cloverleaf Lane</u>	From: Route 738 To: Route 1099 Length: 0.14 miles
Guaranteed right-of-way width: 50 feet	Deed Book: 2866 Page: 674
Plat Recorded, Date: 05/22/06	

Name of Subdivision: <u>Cloverdale</u>	Total Length: <u>0.13 miles</u>
Name of Street: <u>Fourleaf Circle</u>	From: Route 731 To: Route 1099 Length: 0.06 mile
Guaranteed right-of-way width: 50 feet	From: Route 1099 To: Dead End Length: 0.04 mile
Guaranteed right-of-way width: 50 feet	Deed Book: 2866 Page: 674
Plat Recorded, Date: 05/22/06	

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

In response to Supervisor Breeden’s request last month that VDOT determine appropriate safety measures on Island Ford Road (Route 649), Mr. Komara reported

that he would like to put “old fashioned” chevrons through the curve, but will ask the traffic engineer for other recommendations. Supervisor Breeden noted there has been another accident at that location and asked if the speed limits can be altered since this is an industrial road. Mr. Komara said the speed limits can be changed and he will look into this.

In regard to the No Thru Truck study, Supervisor Breeden indicated he still receives calls from a gentleman on Lawyer Road. Mr. Komara will revisit this issue.

Supervisor Eberly noted there is a dangerous curve on Green Hill Road going into Singers Glen, where there may be enough shoulder to widen the pavement. Mr. Komara will determine if the road can be widened without environmentally impacting an old ice house at the curve.

Chairman Floyd stated he has received inquiries regarding the possibility of a stop light being installed at the intersection of Massanetta Springs Road and Shen Lake Drive. Mr. Komara will look into installing a large stop sign on Shen Lake Drive where traffic tops the hill or a flashing sign to provide advanced warning of the intersection.

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FY 2007-2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Michael Garber from PBGH, LLP provided a presentation to the Board regarding the FY 2007-2008 Comprehensive Annual Financial Report. He informed the Board of a \$25 million unreserved General Fund reserve which can be used for future expenditures as the Board determines. He commended the Board for positioning the County to deal with the upcoming budget shortfall, particularly with the amount of debt issued for schools and the SRI project over the last few years. Mr. Garber stated PBGH issued an unqualified opinion, which is the highest level opinion that may be provided by auditors.

In response to questions from Supervisors Cuevas and Kyger, Mr. Garber reviewed the Statement of Net Assets which lists assets for schools in the School Fund while the debt for such school facilities is listed in the General Fund.

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RESOLUTION FOR DRINKING WATER RESOURCE MANAGEMENT – GEORGE WASHINGTON NATIONAL FOREST

Kim Sandum, Executive Director of Community Alliance for Preservation (CAP), noted the George Washington National Forest Plan is being revised and stated one of the most important benefits of the forest is clean water. CAP is requesting that the Board consider a resolution asking the National Forest Service to develop and identify a management plan for the watershed areas in the National Forest. This is a regional issue because North River starts in Augusta County and flows into Rockingham County. In addition to the list provided to the Board of jurisdictions and organizations which have approved the resolution, Dayton approved the resolution advised Ms. Sandum.

Supervisor Cuevas stated that while the County is certainly concerned with the protection of the watersheds, it is also important to protect the rights of the general public to use the forest. He is concerned that some groups may be trying to create additional wilderness-designated areas, which the County has previously noted it does not support. He noted some parts of the original resolution contradict recreational uses of the forest. He wants to make sure that the definition of “disturbing ground” is one in which all parties can agree.

Administrator Paxton noted that significant changes were made to the submitted resolution to limit the resolution more specifically to Rockingham County and to more clearly reflect the County's position. He indicated there may be some timber harvesting and ground disturbing activities that would be acceptable as long as they were properly managed by the Forest Service or their contractors. The County wants to ensure that trail-based recreational activities are compatible with water quality management activities and are conducted with best management practices. Since there were some guidelines and forest management practices already included in the existing George Washington Plan, the Virginia Department of Game and Inland Fisheries (VDGIF) was not sure this resolution was necessary. However, VDGIF believes the revised resolution supports their viewpoint and the land management activities within the current resource protection plan, as well as clarifies the County's position on this matter.

Elwood Burge, George Washington National Forest District Ranger, reiterated that the U. S. Forest Service had been accepting comments from the public and government. The Forest Service was not aware of any drinking water quality problems related to the management of the National Forest. The Forest's "Managing Drinking Water" Plan ensures the supply of high-quality water and minimizes "ground disturbing" activities. Mr. Burge stated that high-quality drinking water is delivered from the Forest boundary; what happens after that is beyond the Forest Service's control. Mr. Burge assured the Board that the Forest Service employs best management practices and has more stringent guidelines than the State.

Supervisor Kyger commended Mr. Burge and the Forest Service on their land management practices. He explained that a well-managed forest is beneficial because the County relies somewhat on funds from timber sales and taxes from those sales. He stated it is both his personal philosophy and the Board's philosophy that the Forest be accessible for many uses.

Keith Wilt, President of the Quality Deer Management Association - Rockingham Branch, said he is affiliated with hunting and outdoor organizations and was concerned the originally proposed resolution may impact wildlife issues. He said his organization is aware of the Forest's watersheds, water quality and the many regulations enforced by the Forest Service. He commended the Board on their revisions to the resolution, but asked that they consider not signing the resolution as it may give wilderness preservation groups an advantage as the Management Plan moves forward.

Supervisor Kyger stated the County's silence regarding the resolution may be perceived by the Forest Service as approval of practices the County does not approve. Since a large portion of the watersheds involve the County, he thinks it is important for the County to make a statement.

Supervisor Cuevas agreed that no action may be viewed as not caring about the issue, which may be worse than adopting the resolution. Since the Board is comfortable with the wording of the revised resolution, Supervisor Cuevas said he would like it to reflect the County's position, rather than duplicate resolutions approved by other jurisdictions.

Carroll Dickenson from the Shenandoah Valley Sportsman's Alliance said the Virginia Sportsman's Alliance was very concerned about the original resolution. While clean water matters seem appealing, he said the original resolution looked like a precursor to the Wilderness Act which will limit usage and projects such as wind turbines in the National Forest. He said many people use the George Washington National Forest (70% visit to see wildlife and 30% use wilderness-designated areas).

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; KYGER - AYE; FLOYD - AYE; the Board adopted the following amended resolution:

**GEORGE WASHINGTON FOREST MANAGEMENT PLAN
RESOLUTION FOR DRINKING WATER RESOURCE MANAGEMENT**

WHEREAS, the U.S. Forest Service is in the process of revising its 1993 Land and Resource Management Plan for the George Washington National Forest; and

WHEREAS, one of the six goals identified in the U.S. Forest Services' agency-wide strategic plan is to "Improve watershed condition"; and

WHEREAS, the availability of clean, safe drinking water is one of the primary benefits that the George Washington National Forest provides to the communities that surround it; and

WHEREAS, approximately 44 percent of the land in the George Washington National Forest lies within watersheds that make available public drinking water to more than 260,000 Virginia residents in 22 adjacent communities, by means of reservoirs and surface waters; and

WHEREAS, drinking water sources within the George Washington National Forest serve an estimated 53,000 residents in Rockingham County, the City of Harrisonburg and the towns of Bridgewater and Broadway; and

WHEREAS, the watersheds in the George Washington National Forest from the Switzer Lake Reservoir make available a source for drinking water for the residents of the City of Harrisonburg and some Rockingham County residents; and

WHEREAS, the watersheds of surface waters that flow from the George Washington National Forest, such as the North River and the North and South Forks of the Shenandoah River, also provide a source for drinking water to residents in the communities of Bridgewater, Broadway, Elkton and Harrisonburg and surrounding Rockingham County; and

WHEREAS, there can be threats to water quality within the George Washington National Forest from ground disturbing activities, such as timber harvesting and road construction, which result in erosion and sedimentation if not properly managed by the Forest Service staff or contractors thereof; and

WHEREAS, in the 1993 George Washington National Forest Management Plan most of the land in drinking water reservoir watersheds (72 percent) is managed without ground disturbing activities, and the U.S. Forest Service reports the water quality in the reservoir watersheds is substantially better than in surface watersheds in other parts of the George Washington National Forest; and

WHEREAS, the 1993 George Washington National Forest Management Plan provides for ground disturbing activities on most of the land (64 percent) in surface watersheds that provide drinking water through river intakes.

NOW, THEREFORE, be it resolved that the Rockingham County Board of Supervisors supports the following actions to implement an objective as a part of the George Washington National Forest Management Plan to promote the quality and quantity of drinking water sources within the forest boundaries:

- The U.S. Forest Service identify the watersheds serving the Switzer Lake reservoir and the surface water resources within the George Washington National Forest that feed the North River and South and North Forks of the Shenandoah River;
- The U.S. Forest Service establish management objectives that support the health of the drinking watershed and which encourage conditions within the watershed that maintain, protect and enhance drinking water quality;

- The U.S. Forest Service continue to permit ground disturbing activities in these areas; however, such activities shall be properly managed and controlled by the Forest Service to protect the health of the watershed;
- The U.S. Forest Service gather sufficient information to assess watershed conditions, develop a plan to systematically monitor water resource programs, and obtain data pertinent to water quality and watershed conditions, in cooperation with other agencies, organizations, local communities and volunteers;
- The U.S. Forest Service communicate in a timely manner with the localities that obtain drinking water from sources within the George Washington National Forest to ensure that the drinking watersheds are managed effectively, appropriately and for the public good;
- The U.S. Forest Service shall work with local communities, agencies and the larger public to establish policies and develop management plans for the drinking watersheds to properly maintain, protect and enhance drinking water quality.

BE IT FURTHER RESOLVED, that the Rockingham County Board of Supervisors recommends that, the U.S. Forest Service retain all management techniques and options in the approved Forest Management Plan that are necessary to protect the drinking water quality, and

BE IT FURTHER RESOLVED, that the Rockingham County Board of Supervisors recognizes that trail-based recreational activities in the George Washington National Forest are valuable and wholly compatible with water quality management.

Supervisor Kyger asked that a copy of the adopted resolution, with an explanation regarding why the resolution was changed, be sent to all localities asked to submit comments, particularly jurisdictions within the County.

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**RESOLUTION – SUPPORT FOR VIRGINIA RESOURCES AUTHORITY
\$550,000 TAXABLE AIRPORT REVENUE BOND.**

William G. O'Brien, the County's representative to the Airport Commission, stated that the proposed addition of a corporate airplane hangar facility is a tremendous growth opportunity for the airport and will be an asset to the airport and the member jurisdictions. He recommended that the Board support the resolution and the issuance of the bonds.

Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission, provided an update on the airport. The Airport's partnership with United Express in March led to significant improvements in service from the airline, and has resulted in a 72% increase in service at a time when many airports are losing service. The Airport has leveraged local funding to make \$15 million in improvements since 2000. The Airport has an opportunity to expand its facility at a cost of \$2.3 million for a taxiway and hangar. The Commission is in final negotiations with the prospective tenant for the hangar and all costs related to construction of the hangar will be covered by revenue from the lease. The Airport plans to borrow \$550,000 from the Virginia Resources Authority, and has received a \$1.8 million grant from the Commonwealth to complete the balance of the funding. The Commission is requesting the County's support of the proposed resolution and support agreement. Augusta County has

approved support for their half of funding with a moral obligation to back the financing, Mr. Campbell said.

Administrator Paxton noted that the County's moral obligation to Virginia Resources Authority (VRA) is \$275,000. The purpose of this resolution is to provide comfort to VRA. Rockingham and Augusta are being asked for their support of the loan since the hangar will be constructed in Augusta County and Dynamic Aviation (the business desiring to lease the hangar) is located in Rockingham County. He said the VRA could come back on the Authority and the counties but Rockingham County is well protected for any substantive obligation since revenue from the Dynamic Land Lease will cover the debt and then the Airport would be expected to make up any shortfall should one occur.

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; KYGER - AYE; FLOYD - AYE; the Board adopted the following Resolution and Support Agreement.

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"), to have and exercise, on behalf of such Member Localities, the power and authority to operate the Shenandoah Valley Regional Airport ("SVRA") located in Augusta County, Virginia.

WHEREAS, the Commission has determined that it is necessary and desirable to issue and sell its aggregate up to \$550,000 taxable airport revenue bond, in one or more series, including an interim financing therefor, if necessary (the "Local Obligation"), in order to finance any one or more of the following capital 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, the Commission shall issue the Local Obligation to finance the Project (including an interim financing therefor, if required), pursuant to the terms and conditions of the Financing Agreement and as otherwise may be necessary or convenient in connection with requirements by Virginia Resources Authority ("VRA") for long-term financing of the Project under the Virginia Airport Revolving Fund (or any other applicable financing program administered or otherwise offered from time to time by VRA).

WHEREAS, the Commission desires that the governing bodies of the Member Localities approve the incurrence of indebtedness by the Commission in connection with the Project, subject to the determination of the final terms and provisions therefor (all such undertakings by the Commission, including any interim financing therefor, if necessary, being collectively referenced herein as the "Loan").

WHEREAS, in addition, VRA has required Rockingham County, Virginia (the "County") to approve an agreement providing for a non-binding obligation to consider certain appropriations from time to time in support of the payment of the Local Obligation and other obligations by the Commission in connection with the Project.

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

1. The incurrence of the 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. The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time as particularly described and limited in the Support Agreement, a form of which is attached hereto as **Exhibit A**, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. To such end, the terms and conditions of the Support Agreement and the transactions contemplated thereby, and the due execution and delivery thereof by the County, all as required by VRA in connection with the Commission's issuance of the Local Obligation (including an appropriate correlating Support Agreement in connection with an interim financing by the Commission for the Project, if required), are hereby approved and confirmed in all respects. The form of the Support Agreement, including the County's Proportional Share as set forth therein, shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved in all respects.

3. It is to be understood that nothing contained in this Resolution or in the Support Agreement is or shall be deemed to be a debt of the County or a pledge of the faith and credit or the taxing power of the County, and nothing herein or therein shall legally bind or obligate the Board or any future Board of the County to appropriate funds for such purposes. The indebtedness of the Commission represented by the Local Obligation (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 County, and neither the faith and credit nor the taxing power of the County shall be pledged for the payment of the principal of, premium, if any or interest on the Local Obligation or any other obligation of the Commission in connection with the Project or any other costs incident thereto. The Board's non-binding obligation to make payments pursuant to the provisions of this Resolution and the terms described particularly in the Support Agreement, under all circumstances, shall be subject to and dependent upon appropriations being made, from time to time, by the Board for such purposes.

4. The Chairman and Vice Chairman of the Board, and the County Administrator, any one or more of whom may act, and such officers, employees, and agents of the County as any of them may designate, are each authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates and other documents (including but not limited to the Support Agreement) in order to carry out the purposes hereof and in furtherance, otherwise, of the financing by the Commission of the Project (including an interim financing therefor, if required).

5. This Resolution shall be effective immediately.

SUPPORT AGREEMENT¹

**FOR THE BENEFIT OF
SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION**

THIS SUPPORT AGREEMENT is made as of _____, between and among the **BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA** (the "Augusta Board"), acting as the governing body of Augusta County, Virginia ("Augusta"); the **BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY,**

¹This form of Support Agreement has been drafted for the long-term financing of the Project to be provided by Virginia Resources Authority (VRA). Therefore, appropriate changes would be needed in the event the Commission also shall require a short-term loan for the Project in anticipation of its receipt of such long-term monies from VRA.

VIRGINIA (the “Rockingham Board”), acting as the governing body of Rockingham County, Virginia (“Rockingham”); **SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION** (the “Commission”); and **VIRGINIA RESOURCES AUTHORITY** (“VRA”), as purchaser of the Local Obligation (defined below).

RECITALS

WHEREAS, the Commission is empowered by Chapter 3, Article I, Title 5.1 of the Code of Virginia of 1950, as amended, and by resolutions by the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (collectively, the “Member Localities”), to have and exercise, on behalf of such Member Localities, the power and authority to operate and maintain the Shenandoah Valley Regional Airport (“SVRA”), located in Augusta; and

WHEREAS, the Commission has determined that it is necessary and desirable to issue and sell its aggregate up to \$550,000 taxable airport revenue bond, in one or more series (the “Local Obligation”), in order to finance any one or more of the following capital 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 an 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”); and

WHEREAS, the Commission shall issue the Local Obligation to finance the Project pursuant to the terms and conditions of the Financing Agreement and as otherwise may be required by VRA under the Virginia Airport Revolving Fund (or any other applicable financing program administered or otherwise offered by VRA); and

WHEREAS, the Augusta Board duly adopted a resolution in support of the Project, among other things, on November 25, 2008 (the “Augusta Resolution”), and the Rockingham Board duly adopted a resolution in support of the Project, among other things, on December 10, 2008 (the “Rockingham Resolution”); and

WHEREAS, all other remaining Member Localities also have duly adopted resolutions in support of the Project; and

WHEREAS, pursuant to the Augusta Resolution and the Rockingham Resolution, the due execution and delivery of this Support Agreement, among other things, were approved in order for Augusta and Rockingham to provide their respective non-binding obligations to consider certain appropriations in support of the Project and the payment of the Local Obligation and any other payments by the Commission in connection with the financing of the Project, all as required by VRA for the purchase thereof and as otherwise described herein.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. Unless otherwise defined, each capitalized term used in this Support Agreement shall have the meaning given it in the Financing Agreement.

2. The Commission shall use its best efforts to issue the Local Obligation and use the proceeds thereof to pay the costs of the Project in accordance with the terms of the Financing Agreement. The Commission shall construct and place the Project in operation at the earliest practical date.

3. The term “Proportional Share” as used in this Support Agreement shall mean for Augusta and Rockingham the following percentages of the Annual Deficiency Amount (as defined below in Section 4) or other insufficiency (as set forth below in Section 6), if any, or such other percentages as may be agreed upon by Augusta and Rockingham, in writing, from time to time, provided such amended allocation shall add up to 100% of the Annual Deficiency Amount:

Augusta	-	50%
Rockingham	-	50%

The obligations of Augusta hereunder shall be limited to its Proportional Share of debt service on the Local Obligation and the amounts to be included in Augusta’s submitted budget pursuant to Sections 5 and 6 hereof. Likewise, the obligations of Rockingham hereunder shall be limited to its Proportional Share of debt service on the Local Obligation and the amounts to be included in Rockingham’s submitted budget pursuant to Sections 5 and 6 hereof.

Accordingly, it is understood and agreed that (i) the obligations of Augusta hereunder shall not be increased to offset a non-appropriation of Rockingham, and (ii) the obligations of Rockingham hereunder shall not be increased to offset a non-appropriation of Augusta.

4. No later than March 15 of each year, beginning March 15, 2009, the Commission shall notify the Augusta Board and the Rockingham Board of their respective Proportional Share of the amount, if any, by which the Commission reasonably expects its revenues to be insufficient to pay (i) the debt service obligations under the Financing Agreement and the Local Obligation, (ii) the operation and maintenance expenses for SVRA, in full, as and when due, and (iii) any other payments due and owing by the Commission under the Financing Agreement (the “Additional Payments”) in full, as and when due, during the fiscal year of Augusta and Rockingham, respectively, each beginning the following July 1 (such aggregate deficiency amount of the Commission’s revenues being referenced herein as the “Annual Deficiency Amount”).

5. The County Administrator of Augusta and the County Administrator of Rockingham shall include their respective Proportional Share, if any, in their respective budgets submitted to the Augusta Board and the Rockingham Board, as appropriate, for the following fiscal year as an amount to be appropriated to or on behalf of the Commission. Each County Administrator shall deliver to VRA within ten (10) days after the adoption of their respective local budgets for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Augusta Board or the Rockingham Board, as appropriate, has appropriated to or on behalf of the Commission an amount equal to their respective Proportional Share, if any.

6. If at any time the Revenues of the Commission shall be insufficient to make any of the payments referred to in Section 4 above, the Commission shall notify each County Administrator of Augusta and Rockingham of the amount of such insufficiency and the corresponding Proportional Share relating to such insufficiency. The County Administrator of Augusta shall request a supplemental appropriation from the Augusta Board in the amount necessary to pay its Proportional Share, and likewise, the County Administrator of Rockingham shall request a supplemental appropriation from the Rockingham Board in the amount necessary to pay its Proportional Share. Such requests for appropriations, respectively, shall be presented and considered by the Augusta Board and the Rockingham Board, respectively, at the next regularly scheduled meeting thereof at which it is possible to satisfy any applicable notification requirements. Promptly after such meetings of the Augusta Board and the Rockingham Board, respectively, each County Administrator thereof shall notify VRA as to whether the amount so requested was appropriated.

If the Augusta Board shall fail to make such appropriation, the County Administrator shall add the amount of such requested appropriation to the Proportional

Share reported to Augusta by its County Administrator for the next fiscal year. Likewise, if the Rockingham Board shall fail to make such appropriation, the County Administrator shall add the amount of such requested appropriation to the Proportional Share reported to Rockingham by its County Administrator for the next fiscal year.

7. The Augusta Board and the Rockingham Board each hereby undertake a non-binding obligation to appropriate their respective Proportional Share as may be requested from time to time pursuant to Sections 5 and 6 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia.

The Augusta Board and the Rockingham Board, each while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors of Augusta and Rockingham, respectively, do likewise.

8. Nothing herein contained is or shall be deemed to be a lending of the credit of either Augusta or Rockingham to the Commission, VRA or to any holder of the Local Obligation or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit for the taxing power of either Augusta or Rockingham, nor shall anything herein contained legally bind or obligate the Augusta Board or the Rockingham Board to appropriate funds for any of the purposes described herein.

9. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to Augusta, to Augusta County Government Center, P.O. Box 590, Verona, Virginia 24482, Attention: County Administrator; (ii) if to Rockingham, to Rockingham County Government Center, P.O. Box 1252, 20 East Gay Street, Harrisonburg, Virginia 22803; (iii) if to the Commission, to Shenandoah Valley Regional Airport Commission, P.O. Box 125, Weyers Cave, Virginia 24486-0125, Attention: Executive Director; and (iv) if to VRA, to 1111 East Main Street, Suite 1920, Richmond, Virginia 23219, Attention: Executive Director.

Any party hereto may designate any other address for notices or requests by giving notice.

10. It is the intent of the parties hereto that this Support Agreement shall be governed by the laws of the Commonwealth of Virginia.

11. This Support Agreement shall remain in full force and effect until the Local Obligation and all other amounts payable by the Commission, if any, under any authorizing resolution and any other documentation in connection with the Project and the Local Obligation, including but not limited to the Financing Agreement, have been paid, in full.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated December 5, 2008.

Administrator Paxton reviewed a request from a regional agricultural business working group which will work with the Shenandoah Valley Partnership, asking the County to participate in an agricultural development group. There is no cash commitment at this time, but Administrator Paxton stated Robin Sullenberger from Shenandoah Valley Partnership said it would be difficult for the partnership to take on such a large project without additional funding. Staff recommended forwarding this request to the Finance Committee for further study and consideration at budget time.

Administrator Paxton explained that a number of localities are billing for emergency medical services through a third party administrator (TPA). He discussed this process with Augusta County and Harrisonburg and it was determined that if one of the three localities use this program, all three need to participate since there are overlapping jurisdictional boundaries. Administrator Paxton asked that the Board authorize staff to proceed with a Request for Proposal (RFP) to obtain data and price quotes from TPAs. If authorized, Administrator Paxton will ask Augusta County and Harrisonburg if they want to participate in this RFP.

In response to a question from Supervisor Kyger regarding how involved Augusta County is in the TPA process, Administrator Paxton responded that Staunton and Augusta County have authorized billing of services, but are still in the discussion stage.

Supervisor Kyger indicated some organizations will be very happy with this program but a few will be hesitant to proceed. He said EMS calls are a rapidly-growing part of the budget and localities that bill for services have noted reduced demand. Supervisor Kyger stated this needs to be examined as a regional program because if Augusta County adopts the program and Rockingham County does not, it would be difficult on Rockingham County agencies providing services in Augusta County. A regional RFP may leverage a better proposal and may lead to a regional management approach, Supervisor Kyger said.

Since the County receives heavy support from garages that maintain fire trucks and citizens who donate money on a regular basis, Supervisor Eberly said the County needs to ensure this program does not discourage donations.

Administrator Paxton noted that Chief Symons included volunteer agencies in discussions about this program, which has been successful in areas where there is balanced continuation of volunteer services with the ability to bill for services covered by insurance. Administrator Paxton agreed with Supervisor Kyger that billing for services will cut down on frivolous calls for services because insurance companies will question the bills.

Supervisor Breeden said he hopes this program will allow volunteers to spend more time running calls rather than fundraising.

Supervisor Kyger stated money paid for insurance premiums rather than tax dollars will supplement EMS calls.

Supervisor Eberly stated volunteers can provide more economical service to the County.

Supervisor Kyger noted a decline in volunteers, except in rural areas. He said citizens expect a fire truck or ambulance to arrive in a reasonable amount of time because they pay for these services through taxes.

Administrator Paxton explained that the Board does not need to determine whether they are in favor of this program at this time. Board action is required to move forward with an RFP to obtain additional information about third party billing for EMS calls so the Board can decide whether to pursue billing for emergency services.

Supervisor Cuevas was concerned about how volunteer organizations will be affected, how money will be collected and distributed, and whether fire and rescue companies will compete. He does not want to discourage volunteer participation and community involvement.

Supervisor Kyger noted that many agencies currently bill for services. He anticipates that in the next five years 80-90% of Virginia emergency service agencies will bill for their services. West Virginia and North Carolina already bill for emergency services by state legislative action. He said the results of the RFP will provide information regarding how the system works. Supervisor Kyger does not anticipate competition between agencies due to the use of central dispatch.

Supervisor Eberly would like to have flexibility for the agencies to decide whether to charge nuisance callers.

Supervisor Cuevas stated the issue was complex. The next step has to be an educational process to understand how this billing program works. He said fire and rescue are indispensable community services.

Supervisor Breeden asked that Chief Symons make sure the volunteer agencies know the Board is soliciting for an RFP and is not moving to a pay-for-service system at this time.

Supervisor Kyger reported that a fire department in his district requested 24-hour, 7-day a week coverage and is looking for ways to raise money to provide this service.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; FLOYD - AYE; the Board authorized the County Administrator to issue a Request for Proposal for a third party administrator to bill for emergency medical services.

Administrator Paxton received a copy of a letter of agreement modifying the Memorandum of Agreement (MOA) between SRI, the Commonwealth, James Madison University, the City of Harrisonburg and the County. The letter of agreement clarifies when SRI is to receive State funding and what happens to the money if SRI does not complete the project or ceases operation. Administrator Paxton said the original MOA addressed these issues but the General Assembly had questions regarding the language. This letter has been approved by all the other parties involved.

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; KYGER - AYE; FLOYD - AYE; the Board authorized the County Administrator to execute a letter of agreement on behalf of Rockingham County which clarifies the SRI Memorandum of Understanding.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller did not have a written staff report.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

Mr. King did not have a written staff report.

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FINANCE DIRECTOR'S STAFF REPORT.

Mr. Allmendinger did not have a written staff report.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

Mr. Riddlebarger did not have a written staff report.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated December 10, 2008, which stated the following:

- McGaheysville Wastewater Treatment Plant – Pipeline work is 32% complete and lift station work is 30% complete. A bid summary and recommendation will be presented to the Board for action in January.
- Landfill – The Part A Application for Phase V was submitted to DEQ for review and comment. The TARP system for alternative daily cover has been in service two months. A performance evaluation report will be submitted to DEQ on December 15, 2008. If approved, this system will save the County over \$70,000 annually in Posi-Shell lease and material cost avoidance.
- Three Springs Water System – County staff met with the City to discuss collective future water supply needs at specified points of delivery to the County and steps for moving forward with a hydraulic analysis of the City and County distribution systems. This study will also analyze additional transmission needs that may be required to fully leverage the joint water supply initiative with the City. Proposals for completion of the hydraulic analysis and capital cost estimates have been solicited.
- Pleasant Run Sewer Interceptor and Water Supply Line – This project is in service. The final walk through has not taken place and some minor changes are likely.
- Landfill Gas Utilization Initiative –Ameresco withdrew their conceptual proposal and does not intend to submit a final design/build offering. The SCS/Peed & Bortz team is working on a final design/build proposal for submission to the County in January. An informal pre-bid meeting was held to review the final gas line routing and examine current site conditions at the RMH facility energy center.
- Highland Park and Belmont Sewage Lift Stations –The Highland Park lift station upgrade has been commissioned. The Belmont lift station upgrade notice to proceed has been issued to Anderson Construction with an official start date of January 5, 2009.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated December 10, 2008, which included a commercial zoning districts ordinance revision to the Zoning Ordinance, a summary of special-use permit and rezoning requests, and a Comprehensive Plan Amendment.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated December 4, 2008, which included updates on Phase 2 of the Perceptive Software/Image Now content management software implementation, Windows XP desktop operating system

conversions, Windows server migration, remote access software, e-mail archiving, and Intranet portal development.

The next meeting for the Information Technology Advisory Committee is January 26, 2009 at 3:00 p.m.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Symons staff report dated December 1, 2008, which included personnel issues and a summary of the activities of the Training, Prevention, and Public Education divisions, the Assistant Chief of Administration/ Emergency Medical Officer and Assistant Chief of Operations.

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RECREATION AND FACILITIES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Eberly’s staff report dated December 5, 2008, which included personnel issues, facilities maintenance, and recreation programs.

Supervisor Eberly expressed appreciation for the improvements made in the Board of Supervisors Meeting Room. Mr. King noted that Teddy Hensley, A. J. Simmons and John Cooper were actively involved in the remodeling project.

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APPOINTMENTS.

On behalf of Chairman Floyd, on motion by Supervisor Kyger, seconded by Supervisor Cuevas 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 appointed Eric Figgatt to the Recreation Commission District 3 seat for a four-year term beginning January 1, 2009 and expiring December 31, 2012.

Discussion ensued regarding the re-appointment/replacement of two members of the Blue Ridge Disability Services Board. Supervisor Cuevas requested the appointments be delayed until he reviews the list of members on this Board.

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RABIES CLINIC.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas 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 rabies clinics conducted by Heartland Veterinary Clinic and sponsored by the following groups and individual in January 2009:

- Fulks Run Ruritan Club at Fulks Run Ruritan Park;
- Mountain Valley Hunt Club at the Mountain Valley/Tenth Legion Senior Citizens Center;
- Eppard’s garage in Elkton provided by Weldon Dean;
- Port Republic 4-H Club at the Grottoes Rescue Squad.

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ABSTRACT OF VOTES – NOVEMBER 2008 GENERAL ELECTION.

Registrar Douglas Geib reported that the 2008 general election was successful with 77% of registered County voters participating. This was not a significant increase as the County has historically had an active voter turnout. The number of absentee voters (2,236) was substantially higher than other presidential elections and Mr. Geib expects that number will continue to grow. He reported that five of the largest precincts used electronic pollbooks for the first time, which went well after some early morning glitches were resolved. 219 election officers covered 29 precincts and four additional employees were hired during the last several weeks prior to the election. The cost for the election was \$66,243.07 or \$1.98 per voter.

In the future, Mr. Geib would like to increase the use of electronic pollbooks and expand the County's voting website.

There was discussion regarding voter registration practices and qualifications, voter education for high school students and protection for registrars from lawsuits.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board instructed the Clerk to include the following abstract of votes from the 2008 General Election in the minutes of the meeting:

ABSTRACT OF VOTES

cast in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

**ELECTORS FOR
PRESIDENT AND VICE PRESIDENT
OF THE UNITED STATES**

THE TABULATION FOR EACH ELECTOR ENTERED IN THIS ELECTION IS AS FOLLOWS:

Democratic Party for Electors for **Barack Obama**, President and **Joe Biden**, Vice President

Christia V. Rey	Marc L. Finney	Marian A. Van Lanningham	Janet A. Carver
Sandra W. Brandt	Dorothy S. Blackwell	Robert Edgar Childress, Jr.	Michael Jon Khandelwal
Betty L. Squire	James Harold Allen Boyd	Rolland D. Winter	Sophie Ann Salley
Susan Johnston Rowland			

Total Votes Received 10,453

Republican Party for Electors for **John McCain**, President and **Sarah Palin**, Vice President

Janet A. Jackson	George A. Sterling	R. Christian Hoff	William Wickham Hanks
David E. Nygaard	Richard Allen Claybrook, Jr.	Sydney Strother Smith III	Thomas E. Foley
Arthur Lee Talley, Jr.	Linwood M. Cobb III	Barbara "Bobbie" Greene	James K. "Jay" O'Brien, Jr.
Wayne Junius Ozmore, Jr.		Kilberg	

Total Votes Received 22,468

Independent Green Party for Electors for **Chuck Baldwin**, President and **Darrell L. Castle**, Vice President

Craig E. Ennis	Sherman D. Witcher	Glenda Gail Parker	David William Gillis, Jr.
D. C. Amarasinghe	Joseph L. LeBlanc	George R. Wood	Carey C. Campbell
William K. Grogan	Brian Taylor	Harlan Fred Wahlert	Mario T. Palmiotto
Albert P. Burckard, Jr.			

Total Votes Received 64

Libertarian Party for Electors for **Bob Barr**, President and **Wayne A. Root**, Vice President

K. M. Offerman	Lindsey M. Burke	Donald Edward Ferguson	Scott T. Wakeman
Henry T. Thrasher	Elizabeth Blanton Bowles	James W. Lark III	Leonard T. Harris
Sanford J. Pankin	George Nicholas	Wilbur N. Wood III	L. Marc Montoni
William Donald Tabor, Jr.	Marchenko		

Total Votes Received	<u>110</u>
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Green Party for Electors for **Cynthia McKinney**, President and **Rosa Clemente**, Vice President

Christopher E. Fink	Jana Lee Cutlip	Kirit Mookerjee	Paul S. Hughes
Edmund Everett Dowe II	Daniel A. Metraux	Clifford Barry Anderson	James R. Lowenstern
Rain Burroughs	John B. Gallini	Mary Theresa Schmidt	Tamar B. Yager
Richard A. Miller		Taylor	

Total Votes Received	<u>27</u>
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Independent for Electors for **Ralph Nader**, President and **Matt Gonzalez**, Vice President

Ashley Elizabeth Slaff	Jeffrey C. Mitchell	Henry A. Perretta	Michael Joseph Smith
Adrienne Nicole Cottle	Raymond W. Fary	Matthew Lee Alley	Dena May Cottle
Nicholas William Johnson	Michael Lee Ogilvie	Daniel J. Christakos	Rickey Ray Johnson
Erick W. Brucker			

Total Votes Received	<u>147</u>
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Total Write-In Votes	<u>65</u>
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Total Number Of Overvotes For Office	<u>0</u>
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WRITE-INS CERTIFICATION
Electors for President and Vice President

Rockingham

COUNTY

CITY

November 4, 2008 General Election

WRITE-INS - SUMMARY

TOTAL VOTES
RECEIVED
(IN FIGURES)

1. Invalid Write-Ins	<u>65</u>
2. Valid Write-Ins	<u>0</u>
3. Total Write-Ins	<u>65</u>

VALID WRITE-INS - DETAIL

TOTAL VOTES
RECEIVED
(IN FIGURES)

Jonathan Allen/Jeffrey Stath	<u>0</u>
Keith Russell Judd/Monty W. Judd	<u>0</u>
Alan Keyes/Steve Schulin	<u>0</u>
Brian Moore/Stewart A. Alexander	<u>0</u>

ABSTRACT OF VOTES

cast in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

**MEMBER
UNITED STATES SENATE**

<i>NAMES OF CANDIDATES AS PRINTED ON BALLOT</i>	TOTAL VOTES RECEIVED (IN FIGURES)
Mark R. Warner - D	15,475
James S. "Jim" Gilmore III - R	17,156
Glenda Gail Parker - IG	148
William B. Redpath - L	142
Total Write-In Votes	13
Total Number of Overvotes for Office	0

ABSTRACT OF VOTES

cast in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

**MEMBER
HOUSE OF REPRESENTATIVES
6TH District**

<i>NAMES OF CANDIDATES AS PRINTED ON BALLOT</i>	TOTAL VOTES RECEIVED (IN FIGURES)
S. "Sam" Rasoul - D	8,856
R. W. "Bob" Goodlatte - R	23,210
Janice Lee Allen - I	768
Total Write-In Votes	11
Total Number of Overvotes for Office	0

ABSTRACT OF VOTES

cast in the County of Rockingham, Virginia,
at the November 4, 2008 Special Election, for:

COMMISSIONER OF REVENUE

<i>NAMES OF CANDIDATES AS PRINTED ON BALLOT</i>	TOTAL VOTES RECEIVED (IN FIGURES)
Esther M. Nizer	9,439

Lowell R. Barb	<u>20,321</u>
Total Write-In Votes	<u>163</u>
Total Number of Overvotes for Office	<u>0</u>

ABSTRACT OF VOTES

cast in the Town of Bridgewater in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

MAYOR

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Hallie D. Dinkel	<u>2,292</u>
Total Write-In Votes	<u>30</u>
Total Number of Overvotes for Office	<u>0</u>

**MEMBER
TOWN COUNCIL**

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Roscoe E. Burgess, Sr.	<u>1,958</u>
Rosetta W. Harris	<u>1,498</u>
William D. "Bill" Miracle	<u>1,528</u>
Steven A. Schofield	<u>1,154</u>
Total Write-In Votes	<u>20</u>
Total Number of Overvotes for Office	<u>0</u>

ABSTRACT OF VOTES

cast in the Town of Dayton in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

MAYOR

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
L. J. Purcell	<u>413</u>
Judy Ann Way	<u>313</u>
Total Write-In Votes	<u>3</u>
Total Number of Overvotes for Office	<u>0</u>

**MEMBER
TOWN COUNCIL**

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Donna W. Bodkin	428
Daren Todd Butcher	200
Lisa R. Halterman	409
Cary Alan Jackson	278
Charles T. Long	314
Donna Huffman McCormick	374
Jeffrey S. McNeal	253
Charles N. Rhodes	243
Total Write-In Votes	9
Total Number of Overvotes for Office	0

ABSTRACT OF VOTES

cast in the Town of Elkton in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

MAYOR

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Larry A. Bompiani	808
Wayne E. Printz	470
Total Write-In Votes	4
Total Number of Overvotes for Office	0

**MEMBER
TOWN COUNCIL**

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Margaretta Dean Isom	645
Theodore O. Pence	585
Stephen W. Sigafosse	474
Randell L. Snow	619

Phillip "Rick" Workman II	715
Victor Corbo	233
Total Write-In Votes	264
Total Number of Overvotes for Office	0

WRITE-INS CERTIFICATION

Rockingham General Special Election
 COUNTY CITY
Member Town Council
Elkton (501), 6th District
November 4, 2008

WRITE-INS - SUMMARY

	TOTAL VOTES RECEIVED (IN FIGURES)
1. Invalid Write-Ins	31
2. Valid Write-Ins	233
3. Total Write-Ins	264

VALID WRITE-INS - DETAIL

	TOTAL VOTES RECEIVED (IN FIGURES)
Victor Corbo	233

ABSTRACT OF VOTES

cast in the Town of Grottoes in the County of Rockingham, Virginia, at the November 4, 2008 General Election, for:

MAYOR

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Joe L. Morris	981
Total Write-In Votes	37
Total Number of Overvotes for Office	0

MEMBER TOWN COUNCIL

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Berton G. Austin, Jr.	630
John J. Funk	738

James C. Justis	689
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Total Write-In Votes	41
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Total Number of Overvotes for Office	0
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ABSTRACT OF VOTES

cast in the Town of Mt. Crawford in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

MAYOR

	TOTAL VOTES RECEIVED (IN FIGURES)
NAMES OF CANDIDATES AS PRINTED ON BALLOT	
Alfred L. Cook	185
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Total Write-In Votes	3
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Total Number of Overvotes for Office	0
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**MEMBER
TOWN COUNCIL**

	TOTAL VOTES RECEIVED (IN FIGURES)
NAMES OF CANDIDATES AS PRINTED ON BALLOT	
Toni B. Ray	140
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Shane D. Stevens	130
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Merritt P. "Bud" Walls	133
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Total Write-In Votes	4
	<hr/>
Total Number of Overvotes for Office	0
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ABSTRACT OF VOTES

cast in the Town of Timberville in the County of Rockingham, Virginia,
at the November 4, 2008 General Election, for:

MAYOR

	TOTAL VOTES RECEIVED (IN FIGURES)
NAMES OF CANDIDATES AS PRINTED ON BALLOT	
Don P. Delaughter, Jr.	693
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Total Write-In Votes	33
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Total Number of Overvotes for Office	0
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**MEMBER
TOWN COUNCIL**

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Robert E. Blosser, Jr.	532
Juanita F. Price	459
Carl H. Turner	485
Total Write-In Votes	60
Total Number of Overvotes for Office	0

ABSTRACT OF VOTES

cast in the County of Rockingham, Virginia,
at the November 4, 2008 Special Election, for:

FOOD AND BEVERAGE TAX

QUESTION: Shall the Board of Supervisors of Rockingham County, Virginia, impose a food and beverage tax in Rockingham County, the proceeds of which to be used for the construction and operation of public schools in Rockingham County, Virginia, as authorized by state law?

	TOTAL VOTES RECEIVED (IN FIGURES)
YES	15,079
NO	17,122

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COMMITTEE REPORTS.

The Board heard the following committee reports from staff and Board members:

CHAMBER OF COMMERCE

Supervisor Eberly asked Board members to let the Deputy Clerks know if they plan to attend the Chamber of Commerce Banquet on January 7, 2009.

FINANCE

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 and transfer recommended by the Finance Committee:

Harrisonburg – Rockingham Office of Comprehensive Services

Local CSA Program Administrator’s supplemental appropriation of \$606,850 (Rockingham County \$337,610 and Harrisonburg City \$269,240) to cover the costs of the local Medicaid match.

Supplemental Appropriation: \$606,580

\$337,610	GL Code: 225-05318-100-5771-000	Medicaid Adjustment - County
\$269,240	GL Code: 225-05318-200-5771-000	Medicaid Adjustment - City
\$337,610	GL Code: 225-02401-0300	Medicaid Adjustment - County
\$269,240	GL Code: 225-02401-0400	Medicaid Adjustment - City

An adjustment to the budget transferring funding of the Medicaid adjustment from state revenue to local funding.

Revenue Adjustment:

(\$606,850)	GL Code: 225-02401-0100	CSA – State Reimbursement
\$337,610	GL Code: 225-05101-2001	Transfer from General Fund
\$269,240	GL Code: 225-01899-0600	Share of Costs – Harrisonburg

General Fund

Local CSA Program Administrator's supplemental appropriation of \$337,610 for Rockingham County's portion of the local Medicaid match. The cost will be funded by the General Fund Reserve.

Supplemental Appropriation: \$337,610

\$337,610	GL Code: 001-09301-000-9528-000	Transfer to CSA
\$337,610	GL Code: 001-05201-0100	General Fund Reserve

E911 Communications

A transfer of \$1,817,999 from the E911 Fund to the General Fund which represents the fund reserve of the E911 Fund at June 30, 2008. This request was made because the E911 Fund was no longer a special revenue fund and the activity was absorbed by the General Fund.

Supervisor Cuevas reported that the Clerk of the Court requested money be refunded to the State for the unused portion of a grant.

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 authorized Administrator Paxton and Finance Director Allmendinger to reimburse the Library of Virginia as follows:

Reimbursement of funds to the Library of Virginia that were received on May 26, 2004. The funds were for a reformatting grant, but the Library of Virginia will have this reformatting done in-house.

Supplemental Appropriation: \$375,780.25

\$375,780.25	GL Code: 001-02106-150-3109-000	Other Professional Services
\$375,780.25	GL Code: 001-05201-0100	General Fund Reserve

PUBLIC WORKS

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 authorized the purchase

of a CAT 301.8C Mini Hydraulic Excavator for \$30,600 from Carter Machinery through the NJPA nationwide contract with the understanding that final authorization of this purchase and a grant fund reimbursement commitment will be obtained from USDA prior to placing the order.

SOCIAL SERVICES

Supervisor Breeden reported that the Saturday with Santa Christmas gift program was expanded to 800 children (150 more than last year).

VIRGINIA ASSOCIATION OF COUNTIES (VACo)

Supervisor Kyger noted that he met with the Governor’s Assistant Suzette Denslow and Virginia Municipal League representatives regarding pending additional budget cuts by the Governor. He, Supervisor Cuevas and Administrator Paxton helped the two groups draft resolutions regarding budget cuts. The projected budget cuts over the bi-annium are \$3.5 billion (\$1 billion during the current year). He further indicated state and local obligations will be handled differently in the future. There will be major cuts in K-12 education, the Sheriff’s department, public safety money and for Constitutional Officers.

Administrator Paxton stated he and Supervisor Kyger will attend the National Association of Counties (NACo) Legislative Meeting in Washington, DC in March. He asked that other Board members who would like to attend inform him as soon as possible.

Administrator Paxton reminded the Board of the VACo/VML (Virginia Municipal League) Legislative Day in Richmond on February 5, 2009. He will find out if there will be a legislative dinner.

In response to a question from Supervisor Cuevas, Administrator Paxton stated the County will not be responsible for the car tax if it is eliminated by the General Assembly. The County will discontinue including car tax credits on bills and the only effect to the County will be that the money will come from the taxpayers instead of the State.

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RECESS FOR DINNER.

Chairman Floyd called a recess for dinner at 4:56 p.m.

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PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT.

At 7:00 p.m., Chairman Floyd opened the meeting and informed the public that the following amendment to the Comprehensive Plan was withdrawn.

- CP08-01 Valley Engineering, Surveying, and Planning, Inc., 3231 Peoples Drive, Harrisonburg, to amend the Comprehensive Plan’s Conceptual Land Use Plan map regarding tax parcels 124-(A)- L121, L98, and L119 and 125-(3)- L2. The amendment proposes redesignating a 283-acre area; located north and south of Osceola Springs Road, east and west of Pleasant Valley Road, and west of Spaders Church Road; from Industrial and Agricultural Reserve to Community Residential.

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PUBLIC HEARING – REZONING REQUEST.

At 7:01 p.m., Chairman Floyd declared the meeting open for a public hearing on the following rezoning request which Ms. Henderson reviewed.

RZ08-15 Shenandoah Mobile Company, P.O. Box 459, Edinburg, Virginia, to amend a .006-acre portion of the 52.381-acre Massanutten Water Park Master Plan for tax parcel 129-(A)-L27A. The Massanutten Water Park, zoned PCD (Planned Commercial Development), is located on Resort Drive (Route 644) approximately 1,000 feet north of Spotswood Trail (Route 33), in Election District #5. The McGaheysville Area Plan designates this area as Existing Resort-Related Development. The applicant is proposing to lease a 12’x20’ area to the north side of the existing Water Park for a 100-foot stealth flagpole cell tower.

Staff recommended approval and the Planning Commission concurred on November 5, 2008.

Paula Figgatt from Shenandoah Mobile Company stated this tower will provide cell phone coverage through the Massanutten area, particularly the water park. The stealth flagpole will be 80 feet tall.

Len Greisz from Shenandoah Mobile Company (Shentel) was available to answer questions. In response to a question from Supervisor Breeden, Mr. Greisz indicated there was no collocation space available on the tower at the entrance to Massanutten.

No opposition was expressed.

At 7:05 p.m., Chairman Floyd closed the public hearing and called the regular meeting to order.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved request RZ08-15, Shenandoah Mobile Company, P.O. Box 459, Edinburg, Virginia, to amend a .006-acre portion of the 52.381-acre Massanutten Water Park Master Plan for tax parcel 129-(A)-L27A. The Massanutten Water Park, zoned PCD (Planned Commercial Development), is located on Resort Drive (Route 644) approximately 1,000 feet north of Spotswood Trail (Route 33), in Election District #5.

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PUBLIC HEARING – SPECIAL USE PERMIT REQUESTS.

At 7:06 p.m., Chairman Floyd declared the meeting open for a public hearing on the following special-use permit applications. Ms. Stultz reviewed each request.

S08-47 Solaya, Inc., 56 Cummings Park, Woburn, Massachusetts, for a meteorological data tower (wind turbine) on property located at 13056 Cow Knob Road, Criders, on the east side of Cow Knob Road (private) approximately 3/4 mile south of Criders Road (Route 826); Election District #1; Zoned A-2; Tax Map #14-(A)-3.

Bill Rogers from Solaya explained that Solaya, Inc. is working in cooperation with a group of landowners who are requesting the tower be put up to measure wind speed and direction. After one year, when data is obtained, the tower will be removed from the site.

Chris Bolgiano, the Fulks Run Ruritan Club reporter for the North Fork Journal, expressed concern that this wind turbine is a step toward a full industrial wind installation. Ms. Bolgiano stated the U. S. Fish and Wildlife Service is opposed to wind turbines due to their effect on wildlife. She pointed out that Highland County spent five years discussing a wind proposal with similar issues. She hopes the Board will familiarize themselves with the Virginia State Corporation Commission regulations and use their guidelines for responsible wind turbines. If approved, she also hopes the County will place the following conditions on the applicant: obtain all relevant permits, allow agencies access to the tower, follow post-construction wildlife monitoring procedures, and have a decommissioning fund at the end of the tower's life cycle to remove the turbine and foundation which consists of hundreds of tons of concrete. She stated there should be public input into the drafting of a County wind ordinance as many people do not want them on National Forest land due to land destruction, and a detailed site plan should be required from the applicant. She also stated with no property tax collected on National Forest land, there is no mechanism for communities to share in the revenue. Ms. Bolgiano stated Dr. Nina Pierpont, author of Wind Turbine Syndrome, recommends a setback of at least two miles from residences or schools due to noise from turbines.

Kim Sandum indicated she does not have a problem with this tower but she is concerned this may be a precursor to other wind projects and urged the Board to be prepared for a larger wind project. The County currently only has zoning for small wind turbines and is drafting a new ordinance. Ms. Sandum previously provided Community Development with a draft ordinance developed by a land planner working for the Shenandoah Valley Network. She stated the best wind sites in Virginia are off the coast. In a November 16, 2007 letter, a federal agency expressed concerns on impacts on wildlife and listed several species of concern, said Ms. Sandum.

Jonathan Miles, a professor of Integrated Science and Technology at JMU, who is on an assignment with the U.S. Department of Energy in Washington, D.C., offered to clarify questions and concerns of previous speakers. In regard to concerns pertaining to the development of wind projects, he said the request is for a single tower and it will take over a year to determine how a wind park might materialize. He said the Department of Energy issued a report suggesting that by 2030, 20% of the United States' energy will come from wind. Virginia is a wind energy contributor, both off- and on-shore. He stated it is important to consider land- and water-based resources such as biofuels. Interim guidelines set years ago by the U.S. Fish and Wildlife Service are under scrutiny. Impact to wildlife needs to be minimized. He suggested consideration of a bat-wind collaborative that will have new recommendations next year, and he recommended that the Board visit a wind farm.

Supervisor Cuevas informed Mr. Miles that several Board members and staff spent a day at Mount Storm with Dominion Power and spoke with some of the local residents and landowners where towers were placed. Supervisor Cuevas also attended three meetings of different companies regarding wind turbines. County staff has been in contact with officials where wind towers are in operation and are reviewing their ordinances. He noted this is a serious issue since it appears the new administration will emphasize alternative sources of energy.

Larry Thomas, President of Friends of Beautiful Pendleton County, a group of concerned citizens and property owners trying to preserve rich heritage and the environment, said this wind project will also be located in Pendleton County, West Virginia. His group is concerned by the U.S. Fish and Wildlife Service's letter regarding the high risk to endangered species. They are also concerned with infrastructure problems created by these wind projects, Mr. Thomas said.

In response to a question from Supervisor Cuevas, Mr. Thomas said Pendleton County has no zoning ordinances.

S08-48 Lincoln Homestead Farm, Inc., 7884 Harpine Highway, Linville, for a residence involving a non-family division on property located on the east side of Harpine Highway (Route 42) approximately 1/4 mile northeast of Williamsburg Road (Route 782); Election District #2; Zoned A-1; Tax Map #65-(A)-19.

Ms. Stultz presented a letter from Phillip C. Stone, President of the Lincoln Society, which states “The Society has reached an agreement, conditioned on the ability to get the property divided, to take an option on the parcel containing the Lincoln Homestead and family cemetery for a period of up to two years.” During the two years, the Society will pursue funding to acquire, restore and maintain the Lincoln Homestead as a museum.

Ms. Stultz informed the Board that the cemetery is on a separate parcel of land with a separate tax map number in the middle of the remaining acreage. Ms. Stultz and the Shank family believe the Shanks are the owners of the cemetery plot but land records indicate the cemetery landowner resides on Turleytown Road. A letter sent to the address on record was returned. According to Ms. Stultz, dividing 10 acres off from the parent tract would allow a dwelling to be built on the remaining 41 acres. She explained that the house and acreage could be handled as an adjoining transfer without a special-use permit. If the Society is unable to raise the necessary funds during the two-year option period, and the division has been done, the house and 10 acres can be sold to anyone.

In response to a question from Supervisor Eberly regarding whether the Shank family could obtain a historical designation and tie the property up as historical property, Ms. Stultz said she would need to look into that. The division can be made anytime during the two-year option period and the Zoning Administrator may grant an additional two-year extension. If the division is not made, the property can become one parcel again. Ms. Stultz also noted there is no condition stating the property has to go to a historical society. Since the property is zoned A-1, it can be used for anything currently allowed in an A-1 zoned area.

Supervisor Kyger stated that restricting the use of the property from what it can currently be used for can be considered a “taking” of the property.

In response to a question from Supervisor Cuevas, Ms. Stultz explained that if the special-use permit is approved, the division is made and the house does not become a historical site, the property could be used for any purpose and a residence can be built on the remaining property by right because this is a non-family division.

Richard Shank, part owner of the Lincoln Homestead, stated the home is a Virginia Historical Property. The Shank family thought they owned the cemetery until they found out it is listed under a different address. This is the Lincoln family cemetery and two of Lincoln’s slaves are also buried there.

Kathie See from KlineMay Realty, who is working with the Shank family, indicated the family would like the property to remain historical but it is a big project for an individual to purchase the land and renovate the home. She said new legislation was passed making grants available for the restoration of Presidential properties.

In response to a question from Supervisor Cuevas, Ms. Stultz clarified that there is no guarantee the property will remain in place for historical purposes.

County Attorney Miller stated the reason for the special-use permit is that this property is zoned A-1 and to be subdivided, unless a residence is already on both parcels, both the new parcel and remaining parcel require special-use permits be issued. The fact that this is a historical house has no bearing on the request so there are no conditions regarding the historical nature of the property.

Ms. Stultz explained that the property can be divided for a family member or as an adjoining transfer at any time without requiring Board approval. If either property does not contain a house, a non-family request has to come before the Board. If there was currently a house on both properties, the owner would not need to come before the Board.

No opposition was expressed.

S08-49 Dean and Kim Withers, 18012 New Market Road, Timberville, for a residence involving a non-family division on property located on the south side of New Market Road (Route 211) approximately 1,800 feet east of Henkel Lane (private); Election District #1; Zoned A-2; Tax Map #41-(A)-74A.

Ms. Stultz provided Board members with a note of opposition from Daniel Bender indicating he thought the County was discouraging rural development.

Kathie See from KlineMay Realty spoke on behalf of the Withers. This request is on A-1 land which adjoins A-2 property and three small tracts along the road which are zoned A-1. Ms. See noted the small A-2 tract is not prime agricultural land as it is wooded and hilly. If the Withers want to build a house on this property in the future, a special-use permit would be required. This land is not suitable to be a working farm. She stated the Withers want to sell this tract of land due to family health issues.

Mike Pugh asked for support for Mr. and Mrs. Withers because they are making this request due to very serious health issues.

No opposition was expressed.

S08-50 Fox Run Farms, L.L.C., 825 Chapel Hill Lane, Weyers Cave, for biodiesel production not to exceed 1,500 gallons per day for private use and commercial wholesale on property located at 1936 Cecil Wampler Road, Mt. Crawford, on the south side of Cecil Wampler Road (Route 704) approximately 1,500 feet west of Pleasant Valley Road (Route 679); Election District #3; Zoned A-2; Tax Map #124C-(A)-34 and #124C-(A)-35.

Ms. Stultz noted that the applicant obtained a special-use permit to convert the feed mill to a commercial feed mill earlier this year and the fire marshal had some issues with the site plan submitted at that time. If this request is approved, another site plan will be submitted. The soybeans used will be grown elsewhere and brought to the property. A special-use permit goes with the land and Mr. Heatwole may not always be the owner of the property. The building code requires handicapped rest rooms so he would need to get septic approval and install restrooms in one of the business buildings.

The applicant, Ian Heatwole, indicated the request will benefit the public because he will process crops grown on his farm into higher-value products, provide similar processing services for other farmers, expand marketing options for locally-produced oil seeds and provide an opportunity for alternative oil seeds to be grown locally. Mr. Heatwole stated this project is a green infrastructure and the limited size of the operation substantiates the requisite to decentralize processing operations by using local products that return back to the local community and eliminate shipping. It is important to "Buy fresh, buy local" for the feed energy used to grow the produce, Mr. Heatwole said.

Mr. Heatwole is currently using the site to process grains grown on his farm into cattle feed. He highlighted the operation and his proposed use for this mill. A mill has been in operation on this property for over 120 years. He stated that at one

time there were 40 mills in the area but this is the only one remaining in the County. There will be no operational changes and the character of the site will not change substantially. Mr. Heatwole requested that condition #4 requiring a handicapped accessible restroom in one of the business buildings be removed. Mr. Heatwole said when the special-use permit for the mill was approved in May 2008, the Health Department had no problem with a restroom in Mr. Heatwole's house serving the one employee. He stated the benefit of an ordinance that allows him to seek this permit was agreed upon by Board members who traveled to Bassett, Virginia, to visit Red Birch Energy Inc.'s biodiesel site. Mr. Heatwole stated he has worked cooperatively with the Board and staff to bring appropriate scale biodiesel and biofuel production to the Valley.

Administrator Paxton confirmed with Community Development that the handicapped-accessible restroom is a building code requirement. He informed Mr. Heatwole that even if the Board eliminated this condition, he will not be able to conduct his business as the County does not have the authority to waive Statewide Building Code requirements. This is not an issue for the Board; it is an issue between Mr. Heatwole and the building official, Administrator Paxton stated.

Attorney Miller and Ms. Stultz explained that a condition of a special-use permit could be worded that "All requirements of the Statewide Building Code shall be met" but the likelihood is that there will be a requirement for a handicapped-accessible bathroom. Ms. Stultz stated that in the past some applicants did not understand the Statewide Building Code requirements and the Board requested that they be added to the conditions so there would be no misunderstanding.

In response to a question from Supervisor Cuevas, Ms. Stultz said the first special-use permit indicated Mr. Heatwole must meet the Statewide Building Code. It did not specifically address the handicapped-accessible restroom.

Mr. Heatwole said he thought the first permit stated the bathroom in the house could serve the business.

Administrator Paxton said if the Board determines the special-use permit should be granted the bathroom requirement will be determined by the Health Department and Building Official/Inspection Department outside of this special-use request. He said the information is included in the permit so the applicant knows up front what conditions they must meet.

Anthony Beery, a farmer and current owner of the mill, is excited about the possibility of producing fuel and feed locally. He has a supply of soybeans but no market for them, so this mill would expand his options. Soybeans are a good crop rotation with corn. He emphasized that this mill is not only for Mr. Heatwole's private use but for use by other farmers. Mr. Beery noted farming is very capital intensive so developing a site to help other farmers makes economic sense, and the negative impact of odor or noise to the surrounding area is minimal. The mill would provide farmers with more options so he urged to the Board to approve this request.

Steve Boyle stated that he lives 150 feet east of the mill and he disagreed that there is minimal pollution because there is a lot of noise and dust pollution, as well as particulate matter. He expressed concern about the impact this mill will have on the residential area. Mr. Boyle stated he had done research on biodiesel fuel and provided several articles to the Board regarding the hazards of biodiesel fuel production. One article he referred to stated that production of biodiesel fuel produces less air pollution, but must be done in areas zoned for industrial uses because flammable fluids are produced. He stated that the article, "Getting Serious about Safety" indicates production can be dangerous and should be treated like any other chemical process which can cause fires or explosions. Safety can be compromised in smaller plants trying to produce at minimal costs. He noted that this mill burned to the ground 12 to 15 years ago and was rebuilt. Mr. Boyle said the mill smells like burnt popcorn and

nauseates him. He asked that the production of biofuels not be allowed in the residential area.

Dick Wettstone, a resident near the mill, indicated he supports farmers and alternative fuel production, but he was concerned about the location of the mill. According to his research, the fuel should be produced in an industrial zone or isolated area. Mr. Wettstone expressed concern about water contamination, fire hazards, odor and air pollution. He asked the Board to consider this request carefully due to the risks involved in this process in a residential area.

Frank Johnson, who lives directly across the road from Steve Boyle, said he was concerned about fire hazards and he currently endures dust and odors. He said this production can be very dangerous if not handled properly and if there is an explosion during high winds, homes could be lost.

S08-51 Alayne Hartuniewicz, 2751 Harpine Highway, Harrisonburg, for a commercial kennel operation (train and breed dogs – no on-site pick ups and no on-site sales) on property located on the southwest side of Harpine Highway (Route 42) and Deavers Lane (private); Election District #2; Zoned A-2; Tax Map #94A-(1)-4B.

Ms. Stultz reported this request was the result of a zoning violation and numerous complaints to the Zoning Administrator and the Sheriff's Office.

Supervisor Eberly disclosed that he lives 4/10 of a mile from this property, leases land for a cattle operation 100 yards from this property, and frequents Deavers Lane to check on his cattle. Supervisor Eberly stated he is a distant neighbor, not an adjoining neighbor, and is able to participate in the transaction fairly, objectively, and in the public interest under Virginia Code 2.2-3114(G).

The applicant stated she has a temporary lease that expires May 1, 2009. Although she has a kennel license which allows 20 dogs, she has 15 dogs and no puppies. Ms. Hartuniewicz reported her dogs are show dogs and this is not a commercial kennel. Since the kennels are 12 feet from the five-foot allowance from the road, they are in compliance. The special-use permit summary states the property has no building to house the dogs at night or during inclement weather, but Ms. Hartuniewicz stated she brings the dogs in between 8:00 p.m. and 9:00 p.m. each night and encloses them in crates on the porch with heat lamps to keep them warm. She walks the dogs each morning and places them in kennels which are cleaned twice a day with a mild mixture of ammonia or bleach. In regard to complaints, Ms. Hartuniewicz stated the Sheriff's Office received two complaints (9/23/08 and 10/8/08). After the second complaint she purchased bark collars that the dogs wear daily. Since the kennels are 12 feet from Deavers Lane, runoff from washing the cages should not be an issue. The kennels are more than 45 feet from the closest property. She said a veterinarian who visits at least twice a month told her the dogs are healthy and is willing to supply a letter regarding care of the dogs.

Robert Deavers stated he came to the meeting with his 81 year-old father and other neighbors who are concerned their wells will be affected by bleach and ammonia going into the ground. Mr. Deavers has lived there 58 years and stated it was a quiet neighborhood until last summer when neighbors could not put their windows up or sit on their decks. Mr. Deavers indicated his father's front door is 75 feet from where Ms. Hartuniewicz walks the dogs and there is an odor. He presented a video tape of the dogs barking after Ms. Hartuniewicz purchased the bark collars. Mr. Deavers said he and his father would ask the Board to deny this request.

Ron White, a previous neighbor, sold a house trailer near Ms. Hartuniewicz. He drove by recently and was shocked as the dogs were "yapping" the entire 15 minutes he was there. He expressed concern about property values and tax revenues in the area.

Gloria McDonaldson noted that her father-in-law owned the house next door to Ms. Hartuniewicz which she inherited. She plans to keep the well-maintained house as a rental property but has been unable to rent it with a kennel next door. She stated the house has been vacant since July.

Ms. Hartuniewicz responded that the neighbors have never complained to her. She said she could bring the dogs in when someone comes to look at the rental property next door. She keeps the lot clean and stated she will only be there four more months. Regarding the dogs barking in the video, she stated it is a dog's nature to bark if a stranger comes on the property. She removes the bark collars during the day.

S08-52 Jimmie L. Ritchie, Sr., 11997 Bulldog Hollow, Broadway, for a second residence (for daughter) on property located on the west side of Bulldog Hollow (Route 830) approximately 1.1 miles north of Mayland Road (Route 259); Election District #1; Zoned A-2; Tax Map #52-(A)-284.

Betty Ritchie said she and her husband want to put a home in for their daughter and hopes the Board will allow them to do so.

No opposition was expressed.

At 8:42 p.m., Chairman Floyd declared the public hearing closed and reconvened the regular meeting.

Supervisor Cuevas explained that the test tower (wind turbine) project is similar to cell towers that have been approved in the past. Since this is a temporary tower to gauge the value of the site for possible uses in the future and only concerns about those future uses, not opposition to this issue, were expressed, he is in favor of approving the request.

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; and subject to the following conditions, the Board approved S08-47, Solaya, Inc., 56 Cummings Park, Woburn, Massachusetts, for a meteorological data tower (wind turbine) on property located at 13056 Cow Knob Road, Criders, on the east side of Cow Knob Road (private) approximately 3/4 mile south of Criders Road (Route 826); Election District #1; Zoned A-2; Tax Map #14-(A)-3.

Conditions:

- (1) Use shall be located in substantial accordance with plot plan as approved.
- (2) As required by the Building Official, engineered drawings of the tower shall be required, and the proper permits shall be obtained.
- (3) After one year of testing, the subject tower shall be removed from the property. The one year shall start with the date of the certificate of occupancy.
- (4) This tower shall not exceed 195' in height.
- (5) This tower shall not be placed into operation until such time as a certificate of occupancy is obtained from the County.

Supervisor Eberly stated that he thinks it is in the public's interest to protect the Lincoln Homestead and cemetery but understands the Board cannot dictate how.

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 tabled S08-48, Lincoln Homestead Farm, Inc., 7884 Harpine Highway, Linville, for a residence involving a non-family division on property located on the east side of Harpine Highway (Route

42) approximately 1/4 mile northeast of Williamsburg Road (Route 782); Election District #2; Zoned A-1; Tax Map #65-(A)-19.

Supervisor Cuevas confirmed with Ms. Stultz that the Withers' property had been divided before with adjoining transfers. To be consistent with the Board's policies on A-1 land divisions for non-family members he recommended denial of this request.

On motion by Supervisor Cuevas, 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 denied S08-49, Dean and Kim Withers, 18012 New Market Road, Timberville, for a residence involving a non-family division on property located on the south side of New Market Road (Route 211) approximately 1,800 feet east of Henkel Lane (private); Election District #1; Zoned A-2; Tax Map #41-(A)-74A.

Chairman Floyd said due to concern from citizens, he would like the Board to visit the Fox Run Farms site prior to the next board meeting, weather permitting. Supervisor Cuevas stated action should be taken on this request at the next meeting so Mr. Heatwole knows what direction he can take for this business.

On behalf of Chairman Floyd, on motion by Supervisor Kyger, seconded by Supervisor Cuevas, with the understanding that a site visit be scheduled before the January 14, 2009 meeting, 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 tabled S08-50, Fox Run Farms, L.L.C., 825 Chapel Hill Lane, Weyers Cave, for biodiesel production not to exceed 1,500 gallons per day for private use and commercial wholesale on property located at 1936 Cecil Wampler Road, Mt. Crawford, on the south side of Cecil Wampler Road (Route 704) approximately 1,500 feet west of Pleasant Valley Road (Route 679); Election District #3; Zoned A-2; Tax Map #124C-(A)-34 and #124C-(A)-35.

Administrator Paxton stated the field trip to Fox Run Farms will be scheduled at 1:30 p.m. on January 14, 2009.

Supervisor Eberly indicated ¼ acre of land with houses in close proximity is not enough property for a kennel with 12 or 20 dogs. He stated the property is an inappropriate place for a kennel.

On motion by Supervisor Eberly, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board denied S08-51, Alayne Hartuniewicz, 2751 Harpine Highway, Harrisonburg, for a commercial kennel operation (train and breed dogs - no on-site pick ups and no on-site sales) on property located on the southwest side of Harpine Highway (Route 42) and Deavers Lane (private); Election District #2; Zoned A-2; Tax Map #94A-(1)-4B.

Supervisor Cuevas noted that Mr. Ritchie's request is consistent with the policy of the Board and the guidelines of comprehensive land use in A-1 districts.

On motion by Supervisor Cuevas, 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; and subject to the following

conditions, the Board approved S08-52, Jimmie L. Ritchie, Sr., 11997 Bulldog Hollow, Broadway, for a second residence (for daughter) on property located on the west side of Bulldog Hollow (Route 830) approximately 1.1 miles north of Mayland Road (Route 259); Election District #1; Zoned A-2; Tax Map #52-(A)-284.

Conditions:

- (1) Use shall be located in substantial accordance with plot plan as approved.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
- (3) Septic shall be installed in accordance with permit approved by the Health Department.
- (4) An entrance permit shall be obtained from VDOT's Residency Office to construct the entrance at the location approved by VDOT.
- (5) The residence shall not be used for rental purposes.
- (6) The residence shall not be occupied 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.

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 8:52 p.m., Chairman Floyd opened the public hearing to receive public comment on the following ordinance amendments:

An ordinance to Ordain Article III, Chapter 16A, Water and Sewer, Section 14, Broadway Regional Wastewater Treatment System.

County Attorney Miller explained that a requirement of the Department of Environmental Quality permit for the Broadway Regional Wastewater Treatment System is that the System be able to enforce treatment standards on its customers. Since some customers are in the County rather than the Town of Broadway, the Board needs to approve this ordinance for Broadway to enforce its standards on County customers.

No citizens spoke on this ordinance amendment.

An amendment to Amend Chapter 6A, Elections, Section 6, Change Elkton Polling Place.

Mr. Miller stated this ordinance amendment is to move the Elkton polling location from the Municipal Building back to the Elkton - East Rockingham Area Community Center.

No citizens spoke on this ordinance.

An ordinance to Ordain Chapter 6 Buildings, Section 6-17.3, Establish Fees for Review of Building Plans by the Fire Marshal and Collection of Fees.

Mr. Miller explained this ordinance establishes fees for the Fire Marshal to review building plans and for those fees to be collected by the Community

Development Department when building permits are issued.

No citizens spoke on this ordinance.

An ordinance amendment to Repeal and Re-ordain Chapter 6 Buildings, Section 6-17.1(c), Amend Fees for Certain Building and Demolition Permits.

Mr. Miller stated this ordinance is to update the fees for certain building permits and demolition permits. These fees will be collected by Community Development when the permits are issued.

No citizens spoke on this ordinance amendment.

At 8:56 p.m., Chairman Floyd closed this portion of the public hearing and reconvened the regular meeting.

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 adopted the following ordinance effective December 10, 2008:

**ORDINANCE ENACTING
ARTICLE III,
SECTION 16A-14
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Article III, Section 16A-14. “Broadway Regional Wastewater Treatment System” be and hereby is enacted as follows:

Article III. The Broadway Regional Wastewater Treatment System.
Section 16A-14. Broadway Regional Wastewater Treatment System.

The Town of Broadway, Virginia, a Virginia municipal corporation located within Rockingham County, Virginia, owns and operates, as a publicly-owned treatment works (POTW), a sewage treatment system, also known as the Broadway Regional Wastewater Treatment System (the BRWTF). Certain permits issued to the POTW under state and federal laws require that the POTW have the authority to implement and enforce an industrial pretreatment program (an IPP) for all the users of its system, regardless of what political jurisdiction the users are located within. The BRWTF provides wastewater treatment for entities located in Rockingham County, Virginia.

(a) Discharge limits. The pollutant limits listed below are established for Rockingham County users discharging into the BRWTF for the purpose of protecting against Pass Through and Interference, as those terms are defined in Broadway’s Sewer Use Ordinance. No user is permitted to discharge wastewater, measured at the point of discharge to the BRWTF, containing pollutants in excess of the following monthly averages:

- 0.39 mg/l chromium
- 0.039 mg/l copper

0.79 mg/l lead
0.39 mg/l nickel
1849 mg/l total suspended solids
0.31 mg/l zinc.

(b) Applicability. This Section 16A-14 applies to all users located within Rockingham County that discharge wastewater to the BRWTF.

(c) Cooperation. Officials of Rockingham County shall cooperate with officials of the POTW to ensure that all requirements of Broadways' Sewer Use Ordinance and this Section 16A-14 are enforced, including but not limited to the issuance of discharge permits, before allowing any connections to be made to the BRWTF.

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 adopted the following ordinance amendment effective January 1, 2009:

**ORDINANCE AMENDING
SECTION 6A-6
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 6A-6. "Precincts and polling places – Establishment; authority" be and hereby is amended as follows:

That block indicating the Elkton Municipal Building as the polling place for the Elkton Precinct of Election District No. 5 shall be and hereby is amended to indicate the Elkton - East Rockingham Area Community Center as the polling place for the Elkton Precinct of Election District No. 5.

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 adopted the following ordinance effective January 1, 2009:

**ORDINANCE
ENACTING
SECTION 6-17.3
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 6 – 17.3 "Fire Prevention Fee" be and hereby is enacted as follows:

Sec. 6 – 17.3. Fire Prevention Fee.

An additional fee of 5% of the fees set forth in Section 6-11 shall be applied to all residential building permits and an additional fee of 10% of the fees set forth in

Section 6-11 shall be applied to all commercial building permits. Such additional fees shall be collected by the Department of Community Development when fees for building permits are collected and shall be transferred to the Rockingham County Department of Fire and Rescue.

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 adopted the following ordinance amendment effective January 1, 2009:

**ORDINANCE REPEALING
AND
RE-ENACTING
SUB-SECTION 6-17.1(c)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Sub-Section 6 – 17.1(c) “Mechanical permits generally; Other fees shall be as follows” be and hereby is repealed and re-enacted as follows:

(c) Other fees shall be as follows:

- (1) A fee of fifty dollars (\$50.00) shall be charged for each permit for the installation of a wood stove or range hood.
- (2) A fee of three hundred dollars (\$300.00) shall be charged for each permit for the installation of a hood suppression system.
- (3) A fee of fifty dollars (\$50.00) shall be charged for each permit for the installation and piping for above and in-ground tanks.
- (4) A fee of twenty-five dollars (\$25.00) shall be charged for each permit for the removal of above and in-ground tanks.
- (5) A fee of twenty-five dollars (\$25.00) shall be charged for each permit for gas and oil lines for residential and commercial use groups.
- (6) A fee of twenty-five dollars (\$25.00) shall be charged for each permit for manufactured or prefabricated homes.
- (7) For sprinkler systems the fee shall be three hundred twenty-five dollars (\$325.00) plus \$1.10 for each sprinkler head.
- (8) For fire alarm systems the fee shall be two hundred seventy-five dollars (\$275.00) plus \$2.50 per associated device.
- (9) For a fire standpipe system the fee shall be two hundred seventy-five dollars (\$275.00) plus \$15.80 per riser.
- (10) For a fire pump system the fee shall be two hundred seventy-five dollars (\$275.00)
- (11) For a private fire main system the fee shall be two hundred twenty-five dollars (\$225.00)
- (12) For a spray booth system the fee shall be one hundred twenty-five

dollars (\$125.00)

For other fire prevention permits required, but not elsewhere listed, the fee shall be fifty dollars (\$50.00) plus any applicable costs as determined in writing by the Fire Marshal.

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PUBLIC HEARING – PROPOSALS FOR LANDFILL GAS AND TV TRANSLATOR SYSTEM.

At 8:57 p.m., Chairman Floyd opened the public hearing to receive public comment on proposals for Landfill (Methane) Gas Collection and Sale, and Operation and Maintenance of a TV Translator System.

Administrator Paxton noted that the County has approved the State's process for using the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) process for constructing projects in the County.

One project falling under this process is a methane gas project with Rockingham Memorial Hospital (RMH) that is in the developmental stage and will involve collecting methane gas and transferring it to RMH for heating the new hospital. RMH is covering the entire cost of the project. Administrator Paxton explained that the County is administering this project because the County landfill produces the methane gas. Some money will be paid to the landfill to offset operating costs.

The second project is the operation and maintenance of a TV translator system. The County's TV translator system was built in the late 1970s following a referendum of County taxpayers. On February 17, 2009, most high-powered TV translators will convert from analog to digital signals. The County's translators are low-broadcast so they are not required to be converted yet. If the proposal by WHSV-TV 3 is approved, WHSV will take over the translators and convert them to digital. They will compensate the County for the equipment required to receive digital signals and convert them back to analog so current users will continue to receive a signal after February 17, 2009. The only channel on Massanutten that is not low-power is Channel 29 from Charlottesville and they are in the process of switching over. The County has discussed issues related to continuing service on White Grass Knob and will discuss this with citizens in the Bergton area after the first of the year. This system is operated off solar power, and the additional equipment required to convert the digital signal back to analog is more than the solar panels can handle. Therefore, the County will have to look at options or discontinue use of the system.

Supervisor Eberly stated that several citizens in his district use translators for all TV stations. They do not want to see their reception degraded or be forced to utilize different channels because WHSV is operating the system.

Administrator Paxton said the issue is that the Federal Communications Commission (FCC) has ordered communities to switch from analog to digital so the analog channels can be reassigned for other uses. The initial cost for converting the additional signals back to analog is relatively minor compared to upgrading all the equipment which will need to eventually occur. This initial step will allow citizens time to transition to digital televisions. Administrator Paxton encourages citizens to purchase a converter while the FCC or federal government's \$30 rebate coupons are available on line. With the converter, citizens will be able to receive analog signals regardless of what signals are transmitted.

In response to a question from Supervisor Eberly, Administrator Paxton explained that WHSV will continue to use their current ABC and Fox stations. Since WHSV does not have an FCC-approved CBS channel in the Valley, they will access a signal from Washington or Roanoke, depending on which digital CBS channel they

can pick up. Administrator Paxton noted that digital signals do not travel as far as analog signals.

Supervisor Cuevas stated that sometime ago the WVPT station was available to schools in remote areas such as Fulks Run. He suggested the County find out if the school system is still utilizing WVPT for teaching purposes. Administrator Paxton noted that WVPT is not on the County towers and they have already converted to digital so the impact on the schools apparently has been addressed.

Supervisor Kyger stated that the analog channels schools receive can be received off video stream.

Supervisor Cuevas also noted citizens west of Broadway cannot get radio stations after 5:00 p.m.

Administrator Paxton explained that no action was necessary as the PPEA was only for public comment so the Board can proceed when the final presentations are received.

Alice Harris said she spoke with Public Works Director Warren Heidt regarding a proposed methane gas line running across the middle of her family's farm where there is a section of virgin trees. She said the use of methane gas by RMH as an alternative fuel is a good idea but her family does not want the line to go across their property. Ms. Harris stated the line should be able to run along the road or across some other property. She noted that Mr. Heidt said if her family did not want the line to cross their property, the proposal would be removed from the table. Ms. Harris, therefore, requested that the proposal be taken off the table.

Mr. Hedit stated that Ms. Harris has been a good neighbor to the landfill. There are four proposed paths for the methane gas lines, two of which cross Ms. Harris' property. He indicated both could be realigned to stay within the VDOT easement along Grassy Creek Road or could be elevated to cross an adjacent property. Mr. Heidt told Ms. Harris that if she was opposed and the County would have to condemn her property to move forward, it would not be wise for the County to do so and an alternative path would be pursued.

Terry Fertitta said he submitted a special-use permit for a flea market which was tabled until this evening's meeting and was apparently overlooked. He further stated he has five or six landfill easements across his property which he is not happy about because he has not been treated well by the County or the subcontractors. He said he does not want the methane line to go through his property.

Chairman Floyd stated that the Board plans to look at Mr. Fertitta's property in January.

At 9:12 p.m., Chairman Floyd declared the public hearing closed and reconvened the regular meeting.

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OTHER.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas 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 Attorney to advertise a public hearing to consider an exemption from property taxes for the Valley Brethren - Mennonite Heritage Center at the January 14, 2009 meeting. The exemption is proposed to be effective January 1, 2009, if approved.

It was noted that the Finance Committee reviewed the Valley Brethren – Mennonite Heritage Center application at its meeting earlier today (December 10, 2008).

Mr. Miller expressed the need for a work session of the Board to discuss subdivisions in A-2 districts. He suggested this work session be scheduled at 3:00 p.m. on January 28, 2009.

Chairman Floyd expressed his appreciation to the Board for working with him as Chairman this past year.

Supervisor Kyger suggested that as the Board organizes for 2009, consideration be given to having two board meetings in December as there are usually a lot of requests in December, particularly after having only one meeting in November. He recommended that meetings be held the 1st and 3rd Wednesdays of December instead of the 2nd Wednesday.

Administrator Paxton stated the number of requests at tonight's meeting was out of the ordinary, but the Board will consider this suggestion.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 9:16 p.m.

Chairman