

February 10, 2010

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 10, 2010, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

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
STEPHEN N. RIDDLEBARGER, Director of Human Resources
ROBERT A. SYMONS, Fire & Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
TERRI M. PERRY, Network Administrator
DIANA C. STULTZ, Zoning Administrator
GRETCHEN M. SALLAH, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

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

Chairman Cuevas gave the Invocation and Director of Finance Allmendinger led the Pledge of Allegiance.

Chairman Cuevas reviewed changes to the agenda, which included postponing public hearings for special-use permits and an ordinance amendment for Tax Relief for the Elderly and Disabled until February 24, 2010 at 7 p.m. due to inclement weather.

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APPROVAL OF MINUTES.

Supervisor Eberly made the motion to approve the minutes, seconded by Supervisor Floyd.

Administrator Paxton discussed with the Board recent e-mail correspondence sent to him and the Board from several people concerned that their statements in opposition to the short-term rental ordinance discussed at the last meeting were not represented in the draft minutes. He stated the Board's meeting minutes are not verbatim and that the statements submitted as part of the record were noted and are attached to the approved and recorded minutes, including a copy of a petition referenced by several speakers.

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 January 27, 2010.

Jeremy Hunt, Daily News Record reporter, introduced himself to the Board and was welcomed as the new beat reporter covering Rockingham County government.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department which included snow removal and related weather activities to keep roads clear during several recent weather events.

He asked the Board to consider a resolution accepting four new roads in the South Breeze subdivision - Thompson Street, Cascade Drive, Ramsey Drive and Keswick Circle – into the secondary system of state highways.

On motion by Supervisor Kyger, seconded by Supervisor Breedon 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.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.98 mile to the secondary system of state highways, pursuant to a Town Addition, Section 33.1-79 Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: South Breeze

Name of Street: Thompson Street Total Length: 0.38 mile
Route 1209

Guaranteed right-of-way width: 50 feet	From: Route 1209	To: Route 1228	Length: 0.10 mile
Guaranteed right-of-way width: 50 feet	From: Route 1228	To: Route 1225	Length: 0.16 mile
Guaranteed right-of-way width: 50 feet	From: Route 1225	To: Route 1227	Length: 0.12 mile
Plat Recorded, Date: 8/31/04	Deed Book: 2545	Page: 127	
Plat Recorded, Date: 7/28/05	Deed Book: 2708	Page: 388	

Name of Subdivision: South Breeze

Name of Street: Cascade Drive Total Length: 0.10 mile

Guaranteed right-of-way width: 50 feet From: Route 1209 To: Route 1227 Length: 0.10 mile

Plat Recorded, Date: 8/31/04 Deed Book: 2545 Page: 127

Name of Subdivision: South Breeze

Name of Street: Ramsey Drive Total Length: 0.10

Guaranteed right-of-way width: 50 feet From: Route 1209 To: Route 1229 Length: 0.10 mile

Plat Recorded, Date: 7/28/05 Deed Book: 2708 Page: 388

Name of Subdivision: South Breeze

Name of Street: Keswick Circle Total Length: 0.40 mile

Guaranteed right-of-way width: 50 feet From: Route 1228 To: Cul-de-Sac/ESM Length: 0.10 mile

Guaranteed right-of-way width: 50 feet From: Route 1228 To: Route 1227 Length 0.28 mile

Guaranteed right-of-way width: 50 feet From: Route 1227 To: End of Con/ESM Length: 0.40 mile

Plat Recorded, Date: 8/31/04 Deed Book: 2545 Page: 127

Plat Recorded, Date: 7/28/05 Deed Book: 2708 Page: 388

BE IT 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.

Mr. Komara announced the temporary reassignment of the Harrisonburg Residency assistant Jeremy Mason to the Staunton Residency Office.

The Board commended the Transportation Department for its efforts in maintaining the roadways during several recent weather events that left the area with significant snowfall.

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AWARD OF SERVICE WEAPONS – SHERIFF’S OFFICE.

Major C.M. Hess, III presented retiring Deputy Sheriffs Harold Gene Lawson and William James Spinar, Jr. with their service weapons. Deputy Lawson retired February 1, after working for the Sheriff’s Office for more than 24 years. He served in the Jail and Court Security/Transportation Division. Deputy Spinar plans to retire April 1 after a law enforcement career which included 14 years with the Virginia State Police and nine years with the Sheriff’s Office. He served in the Court Security/Transportation Division.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board declared the service weapons of Deputies Harold Gene Lawson and William James Spinar, Jr., a Glock 22, 40-caliber with serial number KYY484 and Glock 22, 40-caliber with serial number KYY505, as surplus.

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DR. JOHN A. DOWNEY, PRESIDENT OF BLUE RIDGE COMMUNITY COLLEGE.

Bob May, Rockingham County representative on the Executive Board for Blue Ridge Community College (BRCC) introduced the College’s new president John A. Downey.

Mr. Downey gave a presentation to the Board regarding BRCC's recent activity, programs and impact on the community and the County.

Supervisor Kyger briefly commented on the guaranteed admission agreement with state universities.

In response to a question from Supervisor Eberly, Mr. Downey relayed a story about a student, in his 80's, who earned a doctorate in economics.

Chairman Cuevas thanked Mr. Downey for meeting the needs of the community through programs at BRCC.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

Administrator Paxton did not have a written staff report.

The Commonwealth declared a state of emergency on February 3, 2010. After discussion with Fire and Rescue Chief Symons and Harrisonburg City Manager Kurt Hodgen and Fire Chief Larry Shifflett, and in response to the roof collapse of several agricultural structures (poultry houses, a heifer barn and pole barn) and the continued concern of general agricultural losses in the County as a result of the significant snowfall in the area, Administrator Paxton declared a local state of emergency on February 9, 2010. The Board is required by state law to ratify the state of emergency within seven days of such action.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board declared a local state of emergency and authorized the following Resolution:

RESOLUTION DECLARING A LOCAL EMERGENCY TO EXIST IN ROCKINGHAM COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of ROCKINGHAM COUNTY, Virginia, does hereby find as follows:

1. That due to the occurrence of a snow storm beginning on February 9, 2010, ROCKINGHAM COUNTY is facing a condition of extreme peril to the lives, safety and property of the residents of ROCKINGHAM COUNTY;
2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of ROCKINGHAM COUNTY, Virginia, that a local emergency now exists throughout ROCKINGHAM COUNTY; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization and functions of ROCKINGHAM COUNTY shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of ROCKINGHAM COUNTY in order to mitigate the effects of said emergency.

Administrator Paxton thanked personnel from Fire and Rescue, the Sheriff's Office, Facilities and Maintenance, Public Works and Information Systems for their work during the recent storms.

Administrator Paxton discussed the request from the Town of Elkton to move forward with a boundary line adjustment that would incorporate the Downey Knolls property into the Town.

By consensus of the Board, the Board authorized the County Attorney to move forward with the boundary line adjustment and coordinate with Elkton's Town Council for a joint public hearing.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Riddlebarger's staff report dated February 10, 2010.

He discussed with the Board the request for proposal (RFP) sent to five companies soliciting wellness services for County and School employees as a method of reducing health claim costs and cultivating healthier lifestyle choices. As a result, staff recommends Healthways, Inc.

The program would be funded by a grant, up to \$37,500, which is included in the administrative claims services portion of the County's agreement with Southern Health Services, Inc. The grant will expire on September 30, 2010. County and

School Human Resources personnel will oversee the contract. On February 9, 2010, the School Board approved contracting with Healthways.

The Board discussed with Mr. Riddlebarger their desire to stay informed of the program and requested close monitoring. Staff anticipates that the wellness program will create employee interest in, not only exercise, but nutrition and managing health before serious illness occurs.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the County Administrator and Director of Human Resources to contract with Healthways, Inc. to provide wellness services for County and School employees through a grant provided by the County's agreement with Southern Health.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated February 10, 2010.

In response to an inquiry from Supervisor Floyd, Mr. Heidt reported the recycling center and container site area at the landfill will be paved when the asphalt plants open later this year.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated February 10, 2010.

The Planning Commission and Board of Zoning Appeals meetings were postponed until March 2, due to inclement weather. The special-use permit public hearings scheduled for this Board meeting were postponed until February 24.

Mr. Vaughn requested the Wind Energy Work Group reconvene to consider several issues raised during a work session with the Board in January. The workgroup plans to draft a final recommendation to the Board in March.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board requested the Wind Energy Work Group reconvene and draft a final recommendation for the Board.

Supervisor Breeden requested the Board defer their vote on the short-term rental ordinance until the next meeting on February 24 because many people who were interested in this issue could not attend the meeting due to the weather.

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 removed from the table: OA09-14 and OA09-15, Amendment to Chapter 17, Zoning Ordinance, Article III, Section 17-6, to define short-term rental, and Article VI, Section 17-64(t), to permit short-term rentals in the R-4 (Residential Planned Community) Zoning District.

On motion by Supervisor Breeden, 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 moved to defer a decision to the next meeting, February 24, 2010: OA09-14 and OA09-15, Amendment to Chapter 17, Zoning Ordinance, Article III, Section 17-6, to define short-term rental, and Article VI, Section 17-64(t), to permit short-term rentals in the R-4 (Residential Planned Community) Zoning District.

Supervisor Kyger requested the work group for the Transfer of Development Rights (TDR) and the Purchase of Development Rights (PDR) forward their draft ordinance to the Conservation Easement Program Task Force for review and report back to the Board.

The Board briefly discussed the need to manage a TDR and PDR program.

By consensus, the Board directed staff to forward the draft ordinance and model deeds for the Transfer of Development Rights (TDR) and the Purchase of Development Rights (PDR) to the Conservation Easement Program Task Force for review and comment back to the Board.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Robert Symons staff report dated February 3, 2010. In his report, Chief Symons informed the Board that Rockingham Memorial Hospital (RMH) has requested the Fire and Rescue Department's assistance transporting patients, providing administrative and logistical support during their move to the new hospital campus on June 22, 2010.

Chief Symons introduced Deputy Chief Jeff Michael, who has been with the department for nine years and was previously a Captain assigned to the Bridgewater Station.

On motion by Supervisor Kyger, seconded by Supervisor Breedon and carried by a vote of 5 to 0, voting recorded as follows: BREEDON - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board appointed Assistant Chief Jeff Michael and Assistant Chief Jeremy Holloway as Deputy Emergency Management Coordinators.

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RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated February 4, 2010, which included personnel issues, facilities maintenance, and recreation programs.

Mr. Eberly thanked the Facilities and Maintenance staff for their recent efforts with snow removal at County facilities and at the SRI International facility in the Research and Technology Park during several recent winter weather events.

Administrator Paxton reminded the Board that SRI International reimburses the County for all maintenance expenses.

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APPOINTMENTS.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDON - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed Donald Delaughter as Commissioner of the Central Shenandoah Planning District Commission (CSPDC) for a three-year term to expire June 30, 2013.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDON - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board nominated William Vaughn for the CSPDC Executive Committee.

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COMMITTEE REPORTS.

BUILDING AND GROUNDS

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 authorized the County Administrator and County Attorney to award bids for the natural gas contract at County facilities after consultation with the Finance Committee.

FINANCE

The Sheriff’s Office requested the Board authorize a grant application for the Byrne Justice Assistance Grant Program’s Authenticated Digital Asset Management System (ADAMS) project, which allows for the purchase of digital camera equipment and software for digital evidence collection and storage. The funding is from a state grant totaling \$71,219 and local funds of \$3,748 which will be divided evenly between Harrisonburg and the County.

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 authorized the County Administrator to sign the grant application for the Byrne Justice Assistance Grant Program for the Authenticated Digital Asset Management System (ADAMS) project.

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RECESS.

Chairman Cuevas called for a brief recess at 4:10 p.m. He reconvened the meeting at 4:11 p.m.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 4:13 p.m.

Chairman