

May 12, 2010

The Regular meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 12, 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  
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  
DIANA C. STULTZ, Zoning Administrator  
TAMELA S. GRAY, Deputy Clerk  
DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation

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

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

Supervisor Kyger gave the Invocation and Deputy Administrator King led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of April 28, 2010 and the minutes of the special meeting of May 5, 2010.

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**RESOLUTION HONORING DR. GERALD A. WILLIAMS.**

Administrator Paxton read the following resolution honoring Dr. Gerald A. Williams:

**RESOLUTION**

**WHEREAS**, Dr. Gerald A. Williams has promoted agriculture and forestry, and helped to maintain the rural nature of Rockingham County, Virginia, by working with County landowners to establish Agricultural and Forestal Districts; and

**WHEREAS**, Dr. Williams volunteered countless hours to inform landowners of the benefits of placing their land in an Agricultural and Forestal District (AFD); and

**WHEREAS**, Dr. Williams, along with other County landowners, presented to the Board of Supervisors the Keezletown North and the Keezletown South AFDs, containing 4,056 acres and 351 acres, respectively, which were established by the Board on June 24, 1998; and

**WHEREAS**, Dr. Williams offered invaluable assistance to landowners in the western and southwestern areas of Rockingham County, helping to establish the Oak Grove, Dry River and Spring Creek AFDs totaling 11,193 acres, which were created by the Board of Supervisors on January 26, 2000; and

**WHEREAS**, through Dr. Williams' further efforts, the Western Rockingham AFD, consisting of 6,825 acres, was established by the Board of Supervisors on March 28, 2001; and

**WHEREAS**, the Board of Supervisors created the Cross Keys North and South AFDs on April 25, 2001, and the Ottobine AFD on July 11, 2001, comprising 1,647 acres; and

**WHEREAS**, the formation of these Districts, containing a combined total of 26,218 acres, is due in large part to the passion and commitment of Dr. Williams for the protection of agriculture and forestry, and the heritage of Rockingham County;

**NOW, THEREFORE, BE IT RESOLVED** that the Rockingham County Board of Supervisors hereby recognizes Dr. Gerald A. Williams for his tireless dedication to the preservation of the agricultural heritage of Rockingham County and for his commitment to environmental conservation and protection, and expresses its sincere gratitude for his service to the County and its citizens.

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

Director of Planning Rhonda Henderson stated that because of Dr. Williams, there are nine agricultural and forestal districts in the County. She thanked him for his passion and countless hours spent establishing agricultural and forestal districts. Chairman Cuevas presented Dr. Williams with a framed resolution.

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**RETIREMENT RECOGNITION.**

The Board recognized Lawrence Dove on his retirement after twenty years of service with the Department of Community Development. Director of Community Development Vaughn thanked Mr. Dove for his service and teamwork. Chairman Cuevas presented Mr. Dove with a clock.

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**AWARD OF SERVICE WEAPONS – SHERIFF’S DEPARTMENT.**

Sheriff Donald W. Farley presented retiring Deputy Gary Fielding, Sergeant James Puffenbarger and Lieutenant Dewey Ritchie with their service weapons. Deputy Fielding plans to retire on August 1 and has served as a jailer, road deputy, road corporal and in the Civil Process Division over the last 25 years. Sergeant Puffenbarger plans to retire July 1 after a law enforcement career which included nearly 35 years serving as a jailer, road deputy and sergeant of the Civil Process Division. Lieutenant Ritchie is retiring on July 1, after working for the Sheriff’s Office for more than 39 years. He has served as a jailer, road deputy, road sergeant, road lieutenant, SWAT team commander, training officer and administrative lieutenant.

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 declared the service weapon of Deputy Gary Fielding, a Glock 22, 40 caliber with serial number KYY452 as surplus.

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board declared the service weapon of Sergeant James Puffenbarger, a Glock 22, 40 caliber with serial number KYY461 as surplus.

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 weapon of Lieutenant Dewey Ritchie, a Glock 22, 40 caliber with serial number KYY500 as surplus.

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**RESOLUTION HONORING KARL MAGENHOFFER.**

Administrator Paxton read the following resolution in honor of WSVN News Director Karl Magenhoffer:

**RESOLUTION**

**WHEREAS**, in 1999, Mr. Karl Magenhoffer became the voice of Shenandoah Valley news for WSVN and VerStandig Broadcasting; first as a news reporter/anchor, and later as news director; and

**WHEREAS**, in his coverage of Rockingham County and other local governments in the Shenandoah Valley, Mr. Magenhoffer did an exemplary job of reporting the actions of government accurately and responsibly, thereby providing up-to-date information for the citizens of our area; and

**WHEREAS**, Mr. Magenhoffer's enthusiasm for his job, and his tenacity to get the story right, have been recognized by his peers who named him Media Professional of the Year by the Public Relations Council of the Valley, and as a four-time winner of the Frank H. Fuller Award for his outstanding contributions by the Associated Press; and

**WHEREAS**, Mr. Magenhoffer has been recognized for his professionalism and dedication to the broadcast media by being twice named as President of the Virginia Associated Press Broadcasters; and

**WHEREAS**, Mr. Magenhoffer's talents and enthusiasm for broadcasting sports will be remembered and missed, especially with his work commentating on James Madison University basketball and football events, and in providing play-by-play and commentary for high school sporting events throughout the Valley; and

**WHEREAS**, Mr. Magenhoffer will be remembered for his strong support of the Virginia Department of Transportation in establishing proper traffic signalization, especially in the Dayton to Harrisonburg corridor; and

**WHEREAS**, as of April 2, 2010, Mr. Magenhoffer tendered his resignation with WSVB radio to accept employment with a radio station in the Annapolis, Maryland area, and therefore, the *Voice of Shenandoah Valley news* will no longer be heard in our community;

**NOW, THEREFORE, BE IT RESOLVED** that the Rockingham County Board of Supervisors hereby express sincere gratitude on behalf of its citizens to Mr. Magenhoffer for his untiring efforts and dedication to quality reporting, which informed the citizens of Rockingham County of the activities of its government and, furthermore, we wish him well in his future endeavors.

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

Jim Britt and Frank Wilt from WSVB and VerStandig Broadcasting were present to congratulate Mr. Magenhoffer.

Chairman Cuevas expressed appreciation to Mr. Magenhoffer for his accurate reporting and he presented Mr. Magenhoffer with a framed resolution.

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**RESOLUTION RECOGNIZING NATIONAL POLICE WEEK AND NATIONAL PEACE OFFICERS MEMORIAL DAY.**

Administrator Paxton read the following resolution:

## **RESOLUTION**

### **National Police Week - May 9-15, 2010**

### **National Peace Officers Memorial Day - May 15, 2010**

**WHEREAS**, beginning with the term of President John F. Kennedy, May 15 has been designated by the President and Congress as Peace Officers Memorial Day, and May 9-15 as National Police Week; and

**WHEREAS**, the members of Law Enforcement Agencies having jurisdiction in the County of Rockingham, Virginia and the City of Harrisonburg, play an essential role in safeguarding the rights and freedoms of the citizens of this community; and

**WHEREAS**, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of our law enforcement agencies, and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

**WHEREAS**, the men and women of law enforcement agencies unceasingly provide a vital public service;

**NOW, THEREFORE, BE IT RESOLVED** that the Rockingham County Board of Supervisors does hereby declare May 9-15, 2010 as National Police Week and call upon all citizens and patriotic, civic and educational organizations to observe this week as National Police Week with appropriate ceremonies and observances in which our community may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, render dedicated service to this community and, in so doing, have the appreciation of a grateful community for preserving the rights and security of all citizens;

**FURTHER**, this Board declares May 15, 2010, as Peace Officers Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and recognizes and pays respect to the survivors of these fallen heroes.

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the resolution declaring May 9 to 15, 2010 as National Police Week and recognizing May 15, 2010 as National Peace Officers Memorial Day.

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**RECESS.**

Chairman Cuevas recessed the meeting at 3:25 p.m. to allow those in attendance to congratulate the honorees.

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**RECONVENE MEETING.**

Chairman Cuevas reconvened the meeting at 3:36 p.m.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department, including status reports on several road projects and ongoing maintenance.

In response to a question from Supervisor Floyd, Mr. Komara explained that Reservoir Street will dead end into a cul-de-sac rather than intersecting with Port Republic Road because this intersection and the hospital entrance are so close together.

Mr. Komara informed Administrator Paxton that VDOT is hoping to remove the big tree on South Sunset Drive (Route 617) that is blocking the road. One of the branches came down and the owner no longer wants the tree.

The Board discussed whether efforts could be made to preserve the oldest tree in Rockingham County, which is located at Friedens United Church of Christ. Supervisor Kyger will look into this matter.

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**COUNTY ATTORNEY'S STAFF REPORT.**

Mr. Miller introduced Sara Duling, a law student at Appalachian School of Law, who is serving as a legal extern in the County Attorney's office. She is a graduate of Spotswood High School and Radford University.

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Heidt's staff report dated May 12, 2010.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated May 12, 2010.

Mr. Vaughn presented a policy addressing requests by an applicant to postpone a public hearing after the hearing has been advertised. Staff recommends a change in the draft in the fifth sentence by revising "within ten days" to "less than ten (10) days." Administrator Paxton explained that over the last six to twelve months, Community Development has had an increasing number of applicants request postponement of a hearing. When the hearing is postponed close to the advertised date, citizens are inconvenienced because the matter is tabled without notice. The applicant will be informed of the policy when the original request is made.

On motion by Supervisor Kyger, with the recommended change outlining the policy for postponements requested less than ten (10) days before the public hearing, 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 Policy for Postponement by Applicant of a Properly Advertised Public Hearing:

**POLICY FOR POSTPONEMENT BY APPLICANT  
OF A PROPERLY ADVERTISED PUBLIC HEARING**

An applicant may provide a written request to the Community Development Department, at least ten (10) days in advance, for postponement of a properly advertised public hearing for a land use-related matter. The scheduled hearing will be postponed. The County will advertise the postponement. The applicant will be responsible for all costs associated with public notifications required by federal, state or local law, regulation or policy, including but not limited to costs to postpone and re-advertise the hearing at a later date. If a written request for postponement is received by the Community Development Department less than ten (10) days before the public hearing, the public hearing will continue as scheduled. The Board of Supervisors shall open the public hearing and receive comments from persons requesting to speak. Upon completion of the hearing, the Board will take the following actions on the matter – approve the request as submitted, approve the request as amended by the Board, deny the request, table the request or continue the hearing until a later date to allow an additional opportunity for public comment.

**EXCEPTION**

In cases where an emergency prevents an applicant or his representative from attending the public hearing, the applicant shall provide a written request to the Board for postponement of the public hearing prior to the scheduled time for the hearing. The request shall be considered by the Board prior to the public hearing. If the Board concurs with the request, the hearing will be postponed, and no public comment will be taken. If the hearing is postponed, the applicant will be responsible for all costs associated with public notification required by federal, state or local law, regulation or policy.

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**INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. O'Byrne's staff report dated May 6, 2010.

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**FIRE AND RESCUE CHIEF'S STAFF REPORT.**

The Board received and reviewed Chief Symons staff report dated May 5, 2010.

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**RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Eberly's staff report dated May 7, 2010. The recreation department will interview approximately 50 applicants for summer playground staffing at nine locations. In response to questions, it was noted that applicants must be 18 or older and as many as 18 previous staff members may return this summer. The program is for pre-kindergarten through 5<sup>th</sup> grade children.

Administrator Paxton noted that he, Deputy Administrator King and two members of the Recreation Commission will interview nine applicants for the Director of Recreation and Facilities position.

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**APPOINTMENTS.**

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

Heidt as a member and Stephen G. King as an alternate to the Harrisonburg-Rockingham Regional Sewer Authority for four-year terms expiring on July 14, 2014.

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On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board appointed Dr. Pamela Ungar to a three-year term on the Community Services Board for District 4 to expire June 30, 2013.

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Supervisor Floyd recommended Robert F. Moss for appointment to the Board of Zoning Appeals by the Circuit Court. Mr. Moss is a retired developer and builder.

On motion by Supervisor Floyd, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board recommended the Circuit Court appoint Robert F. Moss, Election District 3, to the Board of Zoning Appeals for a five-year term.

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## **COMMITTEE REPORTS.**

### **PUBLIC WORKS**

Supervisor Breeden noted a study needs to be conducted for an upgrade at the Donnelley/Smith Creek pump station.

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 approved a contract for \$29,000 with Peed & Bortz to complete the design work to upgrade the Donnelley/Smith Creek pump station.

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## **CLOSED MEETING.**

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board recessed the meeting from 4:05 p.m. to 4:47 p.m., for a closed meeting pursuant to Section 2.2-3711.A(3), Discussion or consideration of the acquisition of real property for a public purpose, or

of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR EBERLY  
SECOND: SUPERVISOR FLOYD

RESOLUTION NO: 10-07  
MEETING DATE: MAY 12, 2010

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

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

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**RECESS.**

At 4:47 p.m., Chairman Cuevas declared the meeting recessed for dinner.

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**PUBLIC HEARING – SPECIAL-USE PERMIT REQUESTS.**

At 6:00 p.m., Chairman Cuevas opened the public hearing and Ms. Stultz reviewed the following special-use permit applications:

SUP-008 Romano's Italian Bistro, 42 Island Ford Road, McGaheysville requesting to change Condition #5 of S06-30 to allow an increase in sign width and height on property located on the SW side of Spotswood Trail (Route 33) and Island Ford Road (649); Election District #5; Zoned B-2 (Rural Business); Tax Map #142A2-(A)-14.

Chris Runion from Eddie Edwards Signs was available to answer questions on behalf of Romano's. Mr. Runion complimented the County on allowing a number of businesses to advertise on a small sign and efficiently use the land. In response to a question from Supervisor Breeden, Mr. Runion stated the sign will be updated as tenants change.

No opposition was expressed.

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SUP-038 Tim & Leanne Kreps, 316 N. Sandstone Lane, Bridgewater requesting in-home daycare for up to 12 children on property located on the east side of Donnelley Drive (Route 923) approximately 1700 feet north of Spring Creek Road (Route 727); property address being 4478 Donnelley Drive; Election District #4; Zoned A-2 (General Agricultural); Tax Map #122-(A)-59C3.

Supervisor Kyger noted this property is on a remote road with six to ten residences, and Donnelley Drive is 50-feet wide.

Applicant Leanne Kreps stated she and her husband currently live in Bridgewater and anticipate purchasing this property. She provided Ms. Stultz with a letter from the Division of Licensing stating she is a licensed childcare provider.

Ms. Stultz noted the County received five letters of support that were provided to the Board.

Marcus Morra said he and his wife, Jodi, will be the Kreps' future neighbors. He was under the impression this special-use permit was a temporary request and that Ms. Kreps was looking for a more permanent location in Bridgewater. He asked if the property would be allowed to continue as an in-home daycare if the Kreps moved elsewhere.

Ms. Stultz explained that the special-use permit is attached to the property. If the property is sold, a daycare facility can operate on this property under the same

conditions as long as the new owner opens the daycare facility within two years of the date it was last used as a daycare. If the property is not used for daycare for two consecutive years by the current owner and/or future owner, the special-use permit becomes invalid.

In response to a question from Mr. Morra regarding the hours of operation, Supervisor Kyger said he would ask the applicant about her clients' needs.

Mr. Morra questioned whether there were restrictions or regulations regarding parking and dropping off children. Supervisor Kyger noted that the Kreps use an entirely different driveway and Donnelley Drive is a very wide road so this should not be an issue. Mr. Morra asked if parking regulations should be looked into. Ms. Stultz indicated vehicles will not be stopping on the state road to drop off children; they will use the private lane to the Kreps' house.

Mr. Morra noted that the Gardner family constructed in a road on the opposite side of Donnelley Drive with ten acres for sale under a development plan. Supervisor Kyger responded that the Board is aware of that planned development.

In response to questions from Supervisor Kyger, Ms. Kreps indicated she plans to continue her daycare business while she lives in this home. Her current hours of operation are 7 a.m. to 5:30 p.m. and her license is for daytime hours, no overnight care. Ms. Kreps also stated she does not provide weekend care. Ms. Kreps agreed to Supervisor Kyger placing a condition on the permit that the hours of operation would be 6 a.m. to 6 p.m., Monday through Friday.

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SUP-044 Dove's Camper Sales, 2134 Rawley Pike, Harrisonburg, requesting gun sales on property located on the north side of Rawley Pike (Route 33) approximately 1200 feet east of Grandview Drive (Route 1132); Election District #2; Zoned B-1 (General Business); Tax Map #108-(A)-19A.

Ms. Stultz noted the guns would be locked up and the applicant has no intention of having black powder on the premises. He will sell ammunition.

Chairman Cuevas confirmed with Ms. Stultz that Alcohol, Tobacco & Firearms (ATF) will conduct inspections. She also explained that the County will only be involved if there is an increase in sales of guns or related items, or if black powder is added.

Applicant Douglas Dove stated Dove's Camper Sales has been in business 40 years. Since they deal with sportsmen, they want to venture into firearm sales. This

business has been approved by ATF and the Virginia State Police through a background check.

In response to a question from Supervisor Kyger, Mr. Dove stated the business will purchase, sell and trade firearms. Since there is a residential area across the street, Dove's does not intend to have a firing or sighting range, he said.

No opposition was expressed.

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SUP-045 Dayton Ag Complex, 2928 Ralston Road, Harrisonburg requesting weekly hay auctions, monthly equipment auctions, and receiving of slaughter livestock on property located on the northeast side of Silling Road (Route 913) approximately 700 feet northwest of Silver Lake Road (Route 701); Election District #4; Zoned A-2 (General Agricultural); Tax Map #107-(A)-157.

Chairman Cuevas and Supervisor Kyger were surprised Singers Glen Fire Company and Singers Glen Rescue Squad cover this site. Ms. Stultz reported that Fire and Rescue Assistant Fire Marshal John Huddle assured her that the property is within Singers Glen's response area.

The applicants' attorney, Steven Weaver from Clark & Bradshaw, noted that several individuals pooled their resources for this project. Lewis Driver has conducted a hay and equipment business under a special-use permit for four years on leased property in Rushville. Mr. Weaver stated Mr. Driver has followed the guidelines of the permit, but wants to move his business to property he owns.

Mr. Weaver indicated Jamie Housden has owned a livestock business since 1994 and plans to operate a cattle receiving station where he acts as a broker to buy and sell livestock. Ray Moyer, an engineer with David Ingram, met with County staff regarding the conditions which they have agreed to, Mr. Weaver said.

Mr. Weaver further stated this request is an efficient use of land. Parking, as well as ingress and egress are efficient, the site is located in the farming community it serves, and transporting farm equipment from the community to this location will be easier.

James Housden, owner of Double J Livestock, stated his business is family-owned and he is trying to expand it for his future and his children. He is bonded, insured and licensed. His business targets Dayton and surrounding areas which are heavily agricultural and will remain that way. He intends to open a livestock receiving station where he will serve as the "middle man." Most of the livestock is cull livestock which is healthy but is no longer productive or profitable; it is not sold for slaughter.

He noted that cull cows comprise up to 20% of a dairy farmer's income and farmers want to market them at top dollar. This is not a stockyard or auction, he said.

In response to a question from Supervisor Kyger, Mr. Housden stated cattle are transported on cattle wagons which are the size of large feed or milk trucks. His business would average two tractor trailer loads a week. There will be no increase in traffic since the farmers are already in this vicinity.

In response to a question from Supervisor Eberly, Mr. Housden said his facility will be a 5,000-square foot pole barn with sides and will hold 100 head of cattle, but he currently plans to house 30 to 60 cows. The cattle will be maintained in guardrail pens under a roof and will be given adequate feed and water. His business is currently open on Mondays and Thursdays.

Mr. Housden responded to Supervisors Eberly and Kyger that he does not expect the cows to bawl at night because they will have plenty of feed and water.

Roy Swope, whose property borders this site on the north, said the request should be approved because it relates to farming and there will be no more run-off than what he and his neighbors have with manure. Additionally, he noted there is a veterinarian's office next to this property which has animals in and out regularly. In response to comments Mr. Swope has heard, he stated this business is further from other dwellings than the hay auction at Rushville. There are already two other hay auctions but the City has two livestock and gathering facilities in the city limits. He said Mr. Housden wants to help area farmers and run a profitable business.

Cheryl Lyon indicated the special-use permit report lists this property as Mixed Use Center in the Comprehensive Plan. According to the 2010, 2020 and 2050 land-use maps, the property appears to be in agricultural reserve. Ms. Lyon requested clarification on this designation. Ms. Stultz stated the information received from the Planning Director listed the property as mixed but she will confirm the designation. Supervisor Kyger believes this designation is due to the veterinarian clinic and Ms. Stultz said it could also be due to potential growth in the area. Supervisor Kyger noted that even if this property is in agricultural reserve, this is an agricultural-related business.

In response to a question from Ms. Lyon regarding Mr. Driver having a produce auction and/or farmer's market, Ms. Stultz stated the request under consideration is only for the items outlined in this particular request. Mr. Driver can use this property for anything that is permitted by right but if he wishes to conduct another sales business that requires a special-use permit, Mr. Driver will need to apply for a permit. A produce auction would require a special-use permit, a road-side produce stand would not, Ms. Stultz said.

SUP-046 Merck & Company, Inc., 2778 South East Side Highway, Elkton requesting an increase in building height from 60' to 75' on property located on the northwest side of South East Side Highway (Route 340) approximately 780 feet northeast of Captain Yancey Road (Route 642); Election District #5; Zoned M-1; Tax Map #130-(8)-1 and #130-(8)-3.

Jay Foley, representing Merck, explained that all injectible sterile antibiotics which Merck manufactures for world-wide distribution are being manufactured in Elkton. This building is required to meet FDA requirements. Mr. Foley noted this production will increase the County's tax base.

No opposition was expressed.

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Chairman Cuevas closed the public hearing at 6:49 p.m. and reconvened the regular meeting.

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; and subject to the following conditions, the Board approved SUP-008, Romano's Italian Bistro, 42 Island Ford Road, McGaheysville requesting to change Condition #5 of S06-30 to allow an increase in sign width and height on property located on the SW side of Spotswood Trail (Route 33) and Island Ford Road (649); Election District #5; Zoned B-2 (Rural Business); Tax Map #142A2-(A)-14.

1. Use shall be located in substantial accordance with plot plan as approved.
2. Sign shall comply with the Virginia Uniform Statewide Building Code, and the proper permit shall be obtained.
3. If businesses advertised on the sign go out of business, that part of the sign shall be removed or covered within thirty (30) days from the last date of operation.
4. Sign shall be kept in good repair and if not kept in good repair shall be removed from the property.
5. The top section of the sign shall be no more than 8 feet in width at any point, the bottom of the sign shall be no more than 9 feet in width, and the foundation area shall be no more than 11 feet at any point. The sign structure shall not exceed 26'-6" in grade measured from the parking lot. Total sign area shall be no greater than 150 square feet as approved in 2006.

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On motion by Supervisor Kyger with one additional condition stipulating that the hours of operation will be 6 a.m. to 6 p.m., Monday through Friday, unless there are extenuating circumstances, 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; and subject to the following conditions, the Board approved SUP-038, Tim & Leanne Kreps, 316 N. Sandstone Lane, Bridgewater requesting in-home daycare for up to 12 children on property located on the east side of Donnelley Drive (Route 923) approximately 1700 feet north of Spring Creek Road (Route 727); property address being 4478 Donnelley Drive; Election District #4; Zoned A-2 (General Agricultural); Tax Map #122-(A)-59C3.

1. Use shall be located in substantial accordance with plot plan as approved.
2. A copy of the license from Social Services shall be submitted to the Zoning Administrator to be placed in the file.
3. If any alterations are made to the existing residence, the alterations shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
4. This permit shall be limited to the keeping of no more than twelve (12) children.
5. Except for extenuating circumstances, the operating hours for this business shall be from 6:00 a.m. until 6:00 p.m. Monday through Friday.

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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; and subject to the following conditions, the Board approved SUP-044, Dove's Camper Sales, 2134 Rawley Pike, Harrisonburg, requesting gun sales on property located on the north side of Rawley Pike (Route 33) approximately 1200 feet east of Grandview Drive (Route 1132); Election District #2; Zoned B-1 (General Business); Tax Map #108-(A)-19A.

1. Use shall be located in substantial accordance with plot plan as approved.
2. A copy of applicant's gun dealer's license shall be submitted to the Zoning Administrator to be made a part of the file.
3. Should quantities of guns or related items increase, the Zoning Administrator shall be notified to determine if there are regulations that must be met.

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Supervisor Kyger noted that he has received a number of phone calls and correspondence, both in favor and in opposition to this request. Although a lot of questions were clarified at this meeting, he moved to table this request.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled SUP-045, Dayton Ag Complex, 2928 Ralston Road, Harrisonburg requesting weekly hay auctions, monthly equipment auctions, and receiving of slaughter livestock on property located on the northeast side of Silling Road (Route 913) approximately 700 feet northwest of Silver Lake Road (Route 701); Election District #4; Zoned A-2 (General Agricultural); Tax Map #107-(A)-157.

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Supervisor Breeden said although he has no direct connection with this particular project, he owns a business which has a contract with Merck & Company, Inc. Therefore, he recused himself from voting.

On motion by Supervisor Kyger, on behalf of Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 4 to 0 to 1, voting recorded as follows: BREEDEN - ABSTAIN; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - AYE; and subject to the following conditions, the Board approved SUP-046, Merck & Company, Inc., 2778 South East Side Highway, Elkton requesting an increase in building height from 60' to 75' on property located on the northwest side of South East Side Highway (Route 340) approximately 780 feet northeast of Captain Yancey Road (Route 642); Election District #5; Zoned M-1; Tax Map #130-(8)-1 and #130-(8)-3.

1. Use shall be located in substantial accordance with plot plan as approved.
2. Building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
3. This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
4. As this addition will remove some parking spaces, it shall be shown on the site plan that parking will continue to comply with the Rockingham County Code.

5. This addition shall not be placed into operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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**ADJOURNMENT.**

Chairman Cuevas adjourned the meeting at 6:54 p.m.

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Chairman