

July 28, 2010

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 28, 2010, at 6:00 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  
MICHAEL A. BREEDEN, Election District #5

Absent:

WILLIAM B. KYGER, JR., Election District #4

Also present:

JOSEPH S. PAXTON, County Administrator  
THOMAS H. MILLER, JR., County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINGER, Director of Finance  
WARREN G. HEIDT, Director of Public Works  
WILLIAM L. VAUGHN, Director of Community Development  
DIANA C. STULTZ, Zoning Administrator  
TAMELA S. GRAY, Deputy Clerk  
DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation

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

Chairman Cuevas called the meeting to order at 6:02 p.m.

Supervisor Eberly gave the Invocation and Director of Finance Allmendinger led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Eberly, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – ABSENT; the Board approved the minutes of the regular meeting of July 14, 2010.

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**VISITORS WELCOMED.**

Chairman Cuevas welcomed Delegate Richard P. “Dickie” Bell. Delegate Bell noted that he plans to visit a local government meeting and school board meeting in each jurisdiction in the 20<sup>th</sup> District.

Matt Gardner from Boy Scout Troop 40 was recognized. He is working on the Citizen in the Community Merit Badge.

Brady Seabolt from WSVA introduced himself to the Board. He relocated from Annapolis, Maryland four months ago and typically covers City functions.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara’s report on the activities of the Transportation Department which included updates on several road projects including Bergton Road (Route 820), Port Republic Road (Route 253) and Piney Woods Road (Route 619).

Mr. Komara noted a proposal from the contractor to use a temporary traffic signal in place of flagmen for the Bergton Road (Route 820) project. If the signal is approved, it will go into effect after the Bergton Fair.

Mr. Komara reported that VDOT ground the tree stump on Sunset Drive in the Broadway area and planned to stack “rip-rap” around the stump, widen the shoulder and place a delineator there. He also reported that the patching of potholes on Duck Run Road (Route 674) is ongoing.

Supervisor Floyd suggested that VDOT look into installing traffic signals on Shen Lake Drive (Route 689) at Cross Keys Road (Route 276) because the traffic backs up there, and on Massanetta Springs Road (Route 687) which is used as a short-cut.

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Administrator Paxton presented a resolution for the Board's consideration endorsing a \$51.5 million TIGER II grant application to complete the Erickson Avenue, Stone Spring Road and Southeast Connector project. He noted that \$47.9 million, or 42.2% of the total project cost will be contributed by the County, City of Harrisonburg, Virginia Department of Transportation, Federal Highway Administration and the Stone Spring Consortium, and that this amount is significantly more than the required 20% match. Chairman Cuevas and Administrator Paxton recently signed letters to members of the County's federal and state legislative delegations seeking their support of this project.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board endorsed the submission of the grant application and approved the following resolution:

**RESOLUTION ENDORSING THE SUBMISSION OF A TIGER II (TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY) GRANT FOR THE ERICKSON AVENUE-STONE SPRING ROAD/SOUTHEAST CONNECTOR**

**WHEREAS**, the TIGER II (Transportation Investment Generating Economic Recovery) was created to (1) preserve and create jobs and promote economic recovery, (2) invest in transportation infrastructure that will provide long-term economic benefits, and (3) assist those most affected by the current economic downturn; and

**WHEREAS**, the Erickson Avenue-Stone Spring Road/Southeast Connector will provide a 6-mile long multimodal east-west corridor through the City of Harrisonburg and Rockingham County, addressing deficient capacity and critical safety concerns; and

**WHEREAS**, the project is a number one priority for secondary roads for the Harrisonburg Metropolitan Area as outlined in the Constrained Long-Range Transportation Plan; and

**WHEREAS**, the project is included in the City of Harrisonburg's Comprehensive Plan and Rockingham County's Comprehensive Plan; and

**WHEREAS**, the project is included in the State Transportation Improvement Program (STIP) and the Six-Year Improvement Plan (SYIP) and meets all federal, state, and local requirements for construction; and

**WHEREAS**, the project passes through existing fully-developed commercial areas, the region's new medical facility, and areas receiving extreme interest for future residential and commercial development; and

**WHEREAS**, the award of the TIGER II grant would provide funding to allow for the completion of the 6-mile long project and allow the project to proceed in partnership with the City of Harrisonburg, Rockingham County, and the Stone Spring Consortium, a private entity of property owners along the portions of the proposed alignment; and

**WHEREAS**, TIGER II Discretionary Grants may be used for up to 80 percent of the costs of a project, but priority must be given to projects for which Federal funding is required to complete an overall financing package; and

**WHEREAS**, an active partnership between the City of Harrisonburg, County of Rockingham, Virginia Department of Transportation, Federal Highway Administration and the Stone Spring Consortium has contributed a total of \$47.9 million, constituting 42.2% of the total project cost and thereby greatly exceeding the 20% match requirement;

**NOW, THEREFORE, BE IT RESOLVED** that the *Rockingham County Board of Supervisors* hereby endorses the TIGER II Grant application and request of \$51.5 million by the City of Harrisonburg, Rockingham County and the Stone Spring Consortium for the construction of Erickson Avenue-Stone Spring Road/Southeast Connector, extending between the western city limits and Spotswood Trail (U. S. Route 33).

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Administrator Paxton's staff report dated July 23, 2010.

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**COUNTY ATTORNEY'S STAFF REPORT.**

Mr. Miller asked Ms. Stultz to provide a report on special-use permit request S99-09, Brad Davis, 3881 Pineville Road, Port Republic, for a garage and associated salvage yard on property located on the east side of Pineville Road (Route 672) approximately 1/4 mile south of Goods Mill Road (Route 708); Election District #3; zoned A-2; Tax Map #140-(A)-78. This request was tabled on January 13, 2010 and the Board gave the Davises until March 24, 2010 to bring the garage and associated salvage yard into compliance with the conditions as stipulated in S99-09. On March 24, 2010, the Board of Supervisors revoked the special use permit for noncompliance.

Ms. Stultz stated the time allotted for the Davises to clean up the salvage yard and public garage has expired. After their special-use permit was revoked on March 24, 2010, the Davises were given 30 days to clean up the property. During the 30-day

period, they were granted a 90-day extension to July 17, 2010 due to weather considerations and the number of vehicles on the property. Code Enforcement Officer Kelly Getz visited the site last week and found 40 vehicles are still located on the property, and that the Davises would not allow him to photograph the site.

Ms. Stultz noted that the Davises were provided 120 days after the revocation date to bring the property into compliance. If they wanted to keep vehicles on the property, they needed to apply for another special-use permit for a salvage yard and garage. They have not applied for another permit and the property is not in compliance, Ms. Stultz said.

Attorney Miller stated the Davises do not have a special-use permit for a vehicle graveyard/junkyard on the property and the County has given them ample opportunity to clean up the property.

In response to a question from Chairman Cuevas, Ms. Stultz stated the next step is to send a letter notifying the Davises that the matter will be referred to the County Attorney for legal action. Chairman Cuevas suggested the letter include a detailed timetable of what has transpired since the County has given the Davises several extensions and an opportunity to apply for a special-use permit.

Ms. Stultz will proceed with the notification letter to the Davises.

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

The Board received and reviewed Mr. Heidt's staff report dated July 28, 2010.

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

The Board received and reviewed Mr. Vaughn's staff report dated July 28, 2010.

Mr. Vaughn announced that the Planning Commission will hold a public hearing regarding a proposed wind energy ordinance on August 3, 2010.

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Supervisor Breeden noted that he and Ms. Stultz visited an incinerator and he plans to take action at the August 11, 2010 meeting on SUP-066, Scott E. Dean, 16671 Fox Farm Lane, Elkton for an animal crematory on property located on the west side

of Fox Farm Lane (private) approximately 675 feet north of Oviedo Drive (private), Election District #5, Zoned A-2, Tax Map #115-(A)-173A2.

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Mr. Vaughn noted that Administrator Paxton had previously sent the Board a copy of a grant application for a \$50,000 Urban Development Area (UDA) planning grant to meet state requirements for creating a UDA in Rockingham County. He noted that staff recommended Board approval for the application which needs to be filed by July 30, 2010. The grant requires no local money.

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the \$50,000 Urban Development Planning grant application.

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**RECREATION DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. McQuain's staff report dated July 22, 2010.

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**APPOINTMENTS.**

Chairman Cuevas stated he will provide a recommendation at a future meeting for a District 1 representative on the Planning Commission.

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On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board recommended Jeff Stapel for reappointment to the Shenandoah Valley Workforce Investment Board, for a four-year term expiring on September 1, 2014.

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**COMMITTEE REPORTS.**

**BUILDING & GROUNDS**

Mr. Heidt reported that a hot water heater may need replacing at the Jail.

CHAMBER OF COMMERCE

Chairman Cuevas advised that the Chamber of Commerce will meet July 29, 2010.

FINANCE

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – ABSENT; the Board approved the following FY2009-2010 Carryover Funds to FY2010-2011:

**General Fund - Clerk of Circuit Court**

A carryover of unencumbered FY2009-2010 funds totaling \$1,471. These funds were awarded by the Library of Virginia for a records preservation grant that expires on December 31, 2010.

Carryover Appropriation: \$1,471

\$ 1,354	GL Code: 001-02106-150-1300-000	Part-Time Salaries–Records Preservation
\$ 117	GL Code: 001-02106-150-2100-000	FICA Taxes – Records Preservation
\$ 1,471	GL Code: 001-05201-0100	General Fund Reserve

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On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – ABSENT; the Board approved the following FY2009-2010 Carryover Funds to FY2010-2011:

**General Fund – Fire and Rescue**

A carryover of unencumbered FY2009-2010 funds totaling \$89,390. The funds are the total of a number of accounts listed below.

Carryover Appropriation: \$89,390

\$ 3,983	GL Code: 001-03201-500-6065-000	Minor Equipment
\$ 25,589	GL Code: 001-03203-000-5635-000	Four for Life
\$ 43,377	GL Code: 001-03201-700-6065-000	Minor Equipment
\$ 2,158	GL Code: 001-03201-800-6065-000	Minor Equipment
\$ 14,283	GL Code: 001-03201-100-6065-000	Minor Equipment
\$ 89,390	GL Code: 001-05201-0100	General Fund Reserve

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On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – ABSENT; the Board approved the following FY2009-2010 Carryover Funds to FY2010-2011:

**General Fund – Court Services**

A carryover of unencumbered FY2009-2010 funds totaling \$50,000. These monies are grant funded for the Criminal Justice Record Systems Improvement Program.

Carryover Appropriation: \$50,000

\$ 7,500	GL Code: 001-02110-700-6001-000	Office Supplies
\$ 30,000	GL Code: 001-02110-700-6014-000	Other Operating Supplies
\$ 12,500	GL Code: 001-02110-700-5697-000	Grant Share
\$ 50,000	GL Code: 001-05201-0100	General Fund Reserve

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**GENERAL FUND APPROPRIATIONS**

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

**Clerk of the Circuit Court**

The County was awarded two grants from the Library of Virginia. A supplemental appropriation of \$24,308 is requested for the preservation of indexes and books, and for a compact filing system. No local funds are required.

Supplemental Appropriation: \$24,308

\$ 24,308	GL Code: 001-02106-150-3109-000	Other Professional Services
\$ 24,308	GL Code: 001-02404-1800	Records Preservation Grant

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

**Court Services**

The State awarded a grant entitled “Assessing the Impact of and Responding to the Mentally Ill” for the fiscal year totaling \$61,087, which consists of \$45,815 in federal funds and \$15,272 in local funds. The local match will be funded by the Community Services Board and no local funds are required.

Supplemental Appropriation: \$61,087

\$ 34,938	GL Code: 001-02110-700-1300-000	Salaries & Wages – Part time
\$ 2,484	GL Code: 001-02110-700-1900-000	Severance Pay
\$ 2,673	GL Code: 001-02110-700-2100-000	FICA
\$ 6,067	GL Code: 001-02110-700-2300-000	Health Insurance
\$ 130	GL Code: 001-02110-700-2703-000	Workers Compensation
\$ 3,000	GL Code: 001-02110-700-5501-000	Mileage
\$ 1,800	GL Code: 001-02110-700-5503-000	Subsistence & Lodging
\$ 7,040	GL Code: 001-02110-700-6001-000	Office Supplies
\$ 2,955	GL Code: 001-02110-700-6065-000	Minor Equipment
\$ 15,272	GL Code: 001-01803-0206	Charges for Other Personnel
\$ 45,815	GL Code: 001-03900-1400	DCJS- Byrne Grant

INFORMATION TECHNOLOGY ADVISORY

Supervisor Eberly reported that the Information Technology Advisory Committee met July 26, 2010.

SOCIAL SERVICES

Supervisor Breeden said Social Services met but he was unable to attend.

VIRGINIA ASSOCIATION OF COUNTIES (VACO)

The VACo Steering Committees and Board of Directors will meet in Henrico County on August 6, 2010.

OTHER

Administrator Paxton reminded the Board of the East Rockingham High School dedication on August 15, 2010 at 2:00 p.m. Delegate R. Steven Landes has been invited.

Administrator Paxton announced that the Rockingham County Fair Association invited the Board to ride in the Fair Parade on August 18, 2010 at 6:00 p.m.

Administrator Paxton noted that a Webinar updating the Chesapeake Bay Total Maximum Daily Load (TMDL) will be held on August 19, 2010 from 10-11:30 a.m. As Mr. Heidt suggested, the Virginia Poultry Federation, Farm Bureau Board and Extension Office were notified so they can inform farmers and the private sector. Administrator Paxton advised that the County may set up a space so that the Webinar may be viewed by the public. The Environmental Protection Agency (EPA) requires that the State develop specific guidelines for the Chesapeake Bay before the end of the year. Comments are to be submitted by September 1, 2010 but the County has not yet been advised of the allocation for the Shenandoah River in Rockingham County.

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**CLOSED MEETING.**

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY - AYE; FLOYD - AYE; KYGER - ABSENT; the Board recessed the meeting from 6:38 p.m. to 7:45 p.m., for a closed meeting pursuant to Section 2.2-3711.A(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 BREEDEN

RESOLUTION NO: 10-09  
MEETING DATE: JULY 28, 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  
NAYS: NONE  
ABSENT: KYGER

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**ADJOURNMENT.**

Chairman Cuevas adjourned the meeting at 7:45 p.m.

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Chairman