

June 18, 2014

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 18, 2014, 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
RICKY L. CHANDLER, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

BRYAN F. HUTCHESON, Sheriff

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
JAMES L. ALLMENDINGER, Director of Finance
ANN MARIE FREEMAN, Director of Court Services
BARRY E. HERTZLER, Director of Public Works
JEREMY C. HOLLOWAY, Fire & Rescue Chief
JAMES L. JUNKINS, Emergency Communications Director
KATHARINE S. McQUAIN, Director of Parks and Recreation
TERRI M. PERRY, Director of Technology
STEPHEN R. RIDDLEBARGER, Director of Human Resources
RHONDA COOPER, Director of Planning
DIANA C. STULTZ, Zoning Administrator
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
JEREMY S. MASON, Assistant 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 County Administrator Paxton led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of May 28, 2014.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

He reported traffic is being rerouted from the Southeast Connector (Route 280) to turn left onto Peach Grove Avenue to go to Port Republic Road (Route 253) or turn right to take Stone Spring Road (Route 725) to Port Republic Road (Route 253).

Mr. Komara stated the slab deck on the Oakwood Drive (Route 704) bridge is being poured, the grading contractor will be on site and the project should be completed this fall.

VDOT is repaving the Interstate 81 interchange for Exit 251 at North Valley Pike (Route 11). They completed the surface treatment schedule which included numerous roads in the Hinton/Clover Hill area.

The rural rustic improvement on Martin Miller Road (Route 745) is moving along well. Mr. Komara has received positive feedback from property owners along Herring Lane (Route 746) where fill was added to widen the road.

On the maintenance side, the first primary mowing has been finished but a second cut is needed after the secondary roads are completed. He reported interstate mowing was finished. In response to a question from Administrator Paxton, Mr. Komara noted the interstate mowing is contracted out.

VDOT will begin the dust control schedule the week of June 23, 2014. Dust control has been applied in areas with major concerns.

Supervisor Breeden received a complaint from a resident on Offenbacker Road (Route 861) that water from a pipe that comes under the road freezes near the resident's mail box. Mr. Komara will obtain the address to look into the situation.

Supervisor Breeden reported there was another bad accident on East Side Highway (Route 340) earlier in the day. He believes many of the accidents occurring at the intersection of Island Ford Road (Route 649) and East Side Highway (Route 340) are due to trucks traveling south from Miller Coors stopping in the turn lane to adjust their axles. Vehicles traveling east on Island Ford Road (Route 649) cannot see around the trucks and pull out in front of traffic traveling south. He said trucks also stop to make adjustments on Island Ford Road (Route 649) at the water treatment plant. Supervisor Breeden asked if a sign could be erected to enforce no stopping or parking at that location since there is a road specifically intended for truckers to adjust their equipment.

Supervisor Kyger noted the pavement is "scalping up" on Dinkel Avenue (Route 257) between Valley Pike Road (Route 11) and the Russian Baptist Church. There are no pot holes in the pavement yet but they could develop because the road carries a lot of heavy weight traffic. Mr. Komara said VDOT can perform a "spot location". He said they patched some turn lanes with pot hole issues in that area.

Supervisor Chandler noted brush on the northeast corner of the Massanetta Springs Road (Route 687) and Shen Lake Drive (Route 689) intersection needs to be cut and the dirt scalped down a few inches with riprap added to eliminate sight obstruction at the intersection.

Supervisor Chandler expressed appreciation for the signs on Longbow Road (Route 684) indicating the road turns to gravel. However, there is no speed limit posted so people travel across the railroad track at a high speed and then hit the gravel road. He suggested the speed limit be posted at 35 miles per hour and then lowered to 25 miles per hour before traffic crosses the railroad track and the pavement turns to gravel.

Chairman Cuevas expressed appreciation for the dust control applications. He noted VDOT cut the grass and weeds where there was a blind spot at the intersection of Getz Drive (Route 790) and Andrick Mill Road (Route 789) but the property owner needed to cut some of the weeds. He asked VDOT to let him know when the line of sight is blocked by grass or weeds on the property owner's side so he can contact the owner to request their cooperation.

Mr. Komara requested the Board's consideration for adjustments involving additions and abandonments as part of the RMH Loop Road/Stone Spring Road (Route 726) project.

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

Project Adjustments Involving Additions and Abandonments

The Board of Supervisors of Rockingham County, in regular meeting on the 18th day of June, 2014, adopted the following:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated June 18, 2014 depicting the additions and abandonments required in the Primary and Secondary System of State Highways as a result of the RMH Loop Road and Stone Spring Road Addition, and which sketch is hereby incorporated herein by reference, and

WHEREAS, the portions of old road identified to be abandoned are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Commissioner to abandon from the Secondary System of State Highways those portions of old road identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the Primary and Secondary System of State Highways those portions of road identified by the sketch to be added, pursuant to Section 33.1-229, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board does hereby guarantee clear and unrestricted rights-of-way and any necessary easements for cuts, fills, and drainage for these streets, and

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

In response to a question from Supervisor Chandler, Mr. Komara said the speed limit could not be reduced on the dead-end cul-de-sac on South Crescent Road (Route 1005). The statutory speed limit for neighborhoods is 25 miles per hour and a lower speed limit cannot be posted, with a few exceptions for hospitals. An alternative could be to erect a "Dead-end" or "No Outlet" sign, Mr. Komara said. Supervisor Chandler suggested a speed bump may also be beneficial and asked Mr. Komara to look into options. Mr. Komara noted there is a formality to put in a speed bump. If the bump is wide enough and temporary, it can be removed after drivers get used to traveling the slower speed.

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BLUE HOLE.

Administrator Paxton provided background information regarding Blue Hole. The property was deeded to the County in November 1973 by the Neff family. In 1982, 1998 and 2007 the County held public meetings regarding the disposal of the property and to discuss the issues of noise, late night activity, parking, trash and traffic safety. The last public hearing was held in November 2007 and since that time there have been a number of accidents on Rawley Pike (Route 33) near Blue Hole. The Sheriff's Department has increased patrols in the area during high-volume weekends. Administrator Paxton advised the County continues to receive complaints. He and Supervisor Kyger worked with VDOT, the Sheriff's Department, the Emergency Communications Center, the Parks and Recreation Department and others who provide services at Blue Hole. The majority of the warnings and issues identified by the Sheriff's Department have been related to traffic safety and parking.

The year-to-date expenditure in 2014 for maintenance and patrols at Blue Hole is \$2,220, primarily in overtime for the Sherriff's Department. The majority of the summer is yet to come, he said.

Supervisor Kyger said the County has tried to appease the desires of all the citizens by addressing the issue three times. Property owners that live near Blue Hole indicate the roads are blocked so they have a problem getting to their property. When they ask people to move they are greeted with crude reactions and feel threatened. The public indicates they will help take care of Blue Hole but after a month or two, the issue falls back on the County, Sheriff's Department, State Police and VDOT to deal with. Supervisor Kyger indicated he receives numerous calls each summer from property owners asking for assistance due to the nuisance. He has received phone calls from local citizens and many people who live away from here who want the County to retain ownership of Blue Hole because they have fond memories of the swimming area.

Supervisor Kyger highlighted the following alternatives:

- 1) Do nothing. The County will continue to incur costs to maintain and patrol the area. The liability of owning the swimming area remains with the County. No improvement in traffic safety.
- 2) Declare the property surplus and sell it. The majority of citizens, who spoke in November 2007, asked the County to keep the property. The cost of signs and clean up would be eliminated, but any complaints regarding noise and parking will still come to the ECC for the Sheriff department to respond.
- 3) Declare the property surplus and give the property back to the surrounding land owners through adjacent transfers. If the landowners agree, this puts the property back in private ownership, but the sheriff's office will continue to receive calls from this area.
- 4) If an appropriate receiving agency can be found, donate the property to the federal or state government, civic group, volunteer group, or a Charity Foundation.
- 5) Try to obtain an easement from adjacent landowners to gain access to the site to provide on-site parking, and possibly develop the area as a park. Additional land may need to be purchased to provide parking area.
- 6) Continue County ownership but post property for no trespass, keep as a wildlife habitat with no human ingress or egress and ask the Sheriff and State Police to aggressively enforce no trespass rules and shut it down.

The main issues at the Blue Hole are traffic safety, trash, noise and parking. The 'No Parking' signs are often ignored and destroyed. With most of the options listed above, this dangerous situation will not be solved. However, making the property private will allow the owner to prohibit its use without permission. One alternative that may help the traffic safety along Rawley Pike is to install a guard rail in the area that prevents parking along the road at the Blue Hole area.

Supervisor Kyger asked Mr. Komara if it would be possible to install guard railing along Rawley Pike (Route 33) so people cannot pull off the road. He has received concerns that children jump out of their family vehicle onto the highway and could be hit by oncoming traffic.

Supervisor Eberly asked Mr. Miller if the County would be liable if someone diving off a rock hit their head and was permanently injured, since the County erected "No Trespassing" signs. Mr. Miller responded that even though the County has insurance for Blue Hole, it could have exposure in the case of an injury.

Chairman Cuevas recommended the Board delay making a decision to obtain feedback on the suggested alternatives from VDOT and the Sheriff's Department since they will be greatly affected by any action taken.

Supervisor Kyger reiterated the Sheriff's Department will remain involved and busy as they will respond to calls if the property is under public or private ownership.

In response to Supervisor Kyger's earlier question, Mr. Komara said a significant shoulder would be needed to install guardrail. The required space is available in some spots, but not others. The property is posted for no parking now, but visitors remove the signs.

Supervisor Kyger indicated different types of people, from different backgrounds visit Blue Hole, and they do not think about the fact people live there and have rights. A major safety issue is parking. The only public access is from Rawley Pike (Route 33) since property on the other side of Dry River is privately owned. He also noted there is a lot of tagging which indicates gang activity may be transpiring.

Supervisor Kyger closed by saying Blue Hole is a treasure but may not be a property the government can manage because it has tried three times in the last 10 years and has not been successful. The County needs to provide peace and tranquility for all citizens, he said.

Supervisor Chandler thanked those involved for doing a good job but suggested the decision be tabled until the next meeting for a recommendation.

Chairman Cuevas noted the layout of the property and lack of accessible areas to provide safety is not practical without a considerable expenditure, which would not benefit many people.

Supervisor Kyger said he wondered, if the County decided to purchase land to provide parking, whether citizens would be willing to sell their property. He also said the County has a limited amount of resources.

The meeting was not a public hearing, but Chairman Cuevas allowed one citizen to speak.

Edward Anderson, who lives on Port Republic Road and owns property on Fort Lynne Road, said he attended the Blue Hole public hearing in 2007. He asked if the County has ever been named in a lawsuit associated with Blue Hole. He noted two to three percent of people will do what they want on any property even though it is posted. He has spent a lot of time at Blue Hole and hauled trash off the property in the past but during a visit yesterday, he did not see any trash. Administrator Paxton informed Mr. Anderson that the County sends a crew to pick up trash every Friday. Mr. Anderson asked the Board to adopt the first alternative, not to do anything.

In response to a statement by Mr. Anderson, Supervisor Kyger indicated when the property was gifted to the County, there was not a stipulation that it remain a swimming hole.

Mr. Anderson said if another public hearing was held, people who love Blue Hole will come to support it. Supervisor Kyger indicated he understands many people want Blue Hole to remain a public swimming area, but the County also needs to pay attention to people that live there and want peace and tranquility. People cross citizens' property to access Blue Hole but are not considerate in doing so. He reiterated a number of residents have been threatened.

Supervisor Kyger said he would like to find a way to make the County's ownership of Blue Hole work but it has to work for everyone.

Chairman Cuevas said the Board would attempt to have a consensus regarding Blue Hole by the July 9, 2014 Board meeting.

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EMERGENCY COMMUNICATIONS CENTER RADIO SYSTEM UPGRADE.

Administrator Paxton indicated a significant infrastructure upgrade is required for the Emergency Communications Center radio system, the first needed since the radio system was purchased in 2005. The Emergency Communications Center Administrative Board planned for the upgrade by setting aside money so the Emergency Communications Center has an estimated \$2.6 million available in the fund balance. The County and City will share 50/50 the remainder of the project costs (up to \$750,000 each) in the next fiscal year (FY2015-2016). The expenditure for the Harris contract is \$3,996,774 with an additional \$100,000 in engineer consulting costs from AECOM. Administrator Paxton asked the Board to authorize the County's share of the expenditure and authorize the County Attorney to work with the City Attorney to finalize the contract.

Supervisor Breeden made a motion, seconded by Supervisor Chandler, to authorize the County's share of the contracts with Harris and AECOM to upgrade the Emergency Communications Center radio system (estimated to be up to \$750,000) to be set aside in the capital projects fund until the County is required to make a payment, and authorize the County Attorney to work with the City Attorney on the contract.

Chairman Cuevas confirmed this authorization moves the process along, with the actual appropriation to be made later. Administrator Paxton explained that, as fiscal agent, the City will appropriate the Emergency Communications Center fund balance in their budget for the next fiscal year. The 2016 payment will include the

remainder of funds to be paid directly from the County and City. Funds will be transferred to the City to cover the County's portion. The County will only need to appropriate money in FY2015-2016, he said.

Administrator Paxton confirmed for Chairman Cuevas that when the contract is signed, the County will have made a budget commitment of up to \$750,000. The Finance Committee will determine which account the money will be allocated from during next year's budgetary process.

Supervisor Kyger stated the purchase is for infrastructure that will need to be maintained.

Due to the large discount Harris is offering the County, Chairman Cuevas said he wanted to make sure the County will obtain the needed product from Harris and not need more upgrades in a couple years. Supervisor Kyger noted there is obsolescence with electronics as new products are developed rapidly. This request also meets new requirements, he said.

Administrator Paxton explained there was competition between vendors when the system was purchased. Once a system is selected, upgrades are required unless the entire system is replaced. There is no ongoing competitive marketplace because there are not enough purchasers of this type system. The competition is for handheld equipment, not the infrastructure. When the Harris system was purchased, it was less expensive and had fewer options for handheld equipment than the Motorola system. The County can save money now on handheld and related equipment. Administrator Paxton stated he understood Chairman Cuevas' question but the County has to decide at what point the Emergency Communications Center would be so involved with the supplier that they are locked in to purchase expensive upgrades from Harris. He said the required upgrade appears to be advantageous to the County.

In response to a question from Chairman Cuevas, Emergency Communications Center Director Junkins explained that when the Emergency Communications Center selected Harris they had to purchase sole-source products. The terminal equipment (handhelds, walkie talkies, mobile radios and desktop stations) can be upgraded/reprogrammed at a minimal cost since the 2,500 units can be used for the upgraded system. When the system was initially purchased, the Emergency Communications Center purchased terminal equipment to work with the new infrastructure. The reprogramming cost is included in the contract, he said.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board authorized the County's share of the contract to upgrade the Emergency Communications Center radio system (estimated to be up to \$750,000) be set aside in the capital projects fund until the County is required to make a payment, and authorized the County Attorney to work with the City Attorney on the contract.

Supervisor Kyger suggested the Board schedule a tour of the Emergency Communications Center at a later date.

Chairman Cuevas noted the increase in call volume at the Emergency Communications Center will require more personnel in the near future.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated June 13, 2014.

Administrator Paxton reported three proposals were received to assist the County in listing and selling approximately 10 acres of commercial property along Spotswood Trail (Route 33) in front of Albert Long Park. Staff recommended the Board award the contract to Cottonwood Commercial, with payment based upon six percent of the sale price. Cottonwood presented the most complete response and provided an extensive discussion of their marketing approach for the property.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board authorized staff to award the contract to list and sell the 10-acre tract of land on Spotswood Trail (Route 33) in front of Albert Long Park to Cottonwood Commercial, with payment based upon six percent of the sale price.

Administrator Paxton noted County staff is working through the briefing document provided by House Appropriations for the budget approved by the House and Senate. Governor Terence R. McAuliffe is reviewing the document and has until June 20, 2014 to approve the budget or make amendments. Then the General Assembly will reconvene to consider any line-item vetoes. Administrator Paxton expects an amendment to the budget to be considered in August.

Administrator Paxton reported there are no funds in the state budget for Constitutional Officers or their employees. Funding for K-12 education was cut approximately 14 percent but the impact to the County schools should be minimal. The significant reduction in state-initiatives for economic development may affect the County's ability to attract businesses.

Assuming he had the consensus of the Board, Chairman Cuevas asked that the Finance Committee and Administrator Paxton meet immediately after information is received from the General Assembly, in order to review issues that will affect agencies with whom the County interacts.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller reported the interpretation of the new Virginia Code Section 15.2-2288.6 entitled "Board of Supervisors of Rockingham County, Virginia Resolution Regarding the Interpretation of Virginia Code Section 15.2-2288.6" was revised to include additional language suggested by organizations that reviewed the resolution and represent farmers. He noted reaction to the assessment of the statute has been positive. He reminded the Board that the statute becomes effective July 1, 2014.

Supervisor Kyger stated Mr. Miller has properly vetted the resolution with various stakeholder groups that have been involved in the passage of the legislation. He noted the resolution has been clarified slightly to make it more defensible.

Supervisor Kyger made a motion, seconded by Supervisor Chandler, to adopt the Board of Supervisors of Rockingham County, Virginia Resolution Regarding the Interpretation of Virginia Code Section 15.2-2288.6.

Supervisor Eberly agreed that Mr. Miller and staff have done a good job of processing the statute and endorsed the resolution.

Chairman Cuevas said the resolution indicates the Board will look at the environmental impact, safety, and negative impact on the adjoining community. Since this is how the Board has always operated, he does not believe there will be changes in the way the County addresses special-use requests.

Administrator Paxton clarified for the media that the document is a resolution of interpretation of the County's current ordinance and state law. Since it is not an ordinance the Board is enacting, it does not require a public hearing. The resolution provides guidance for staff and the public as the new state statute is implemented after July 1.

Supervisor Chandler said he wants to make sure citizens realize agritourism activities are secondary to agriculture.

Supervisor Kyger indicated he was impressed the County stepped up, as the number one agricultural county in the state, to review the statute thoroughly and carefully in order to provide a sound analysis that is reasonable and highly defensible.

Administrator Paxton noted Community Development staff spent a great deal of time working with Mr. Miller on the resolution.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board adopted the following resolution:

BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA,
RESOLUTION REGARDING THE INTERPRETATION OF
VIRGINIA CODE SECTION 15.2-2288.6

IN THAT the 2014 General Assembly of Virginia enacted, and the Governor signed into law, Section 15.2-2288.6 (the Statute), a provision that highlights, underscores and protects certain rights of owners of *agricultural operations* engaged in the *bona fide*, cultivation and harvesting of agricultural products, and

IN THAT the rights of owners of *bona fide agricultural operations* include the right to conduct on-site agritourism activities, the sale of certain specified products *incidental* to the *agricultural operation*, the preparation, processing or sale of certain specified food products, and activities that are *usual and customary* on *agricultural operations*, and

IN THAT the Board of Supervisors of Rockingham County has been and continues to be in wholehearted support of the goals and objectives enunciated in the Statute, and

IN THAT the Board of Supervisors recognizes that, as with any new statutory initiative, some guidance regarding the interpretation of several key words and phrases in the Statute may be in order to assist owners of land in Rockingham County and the Rockingham County staff with the implementation thereof,

The BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA, resolves as set forth in the following paragraphs:

1. The Board of Supervisors is wholeheartedly in favor of the mutually supportive and compatible objectives of maintaining the rural and agricultural nature of agriculturally zoned districts, and facilitating the efforts of owners of *bona fide agricultural operations* in striving to make their farms successful and prosperous. Successful and prosperous farms are essential to maintaining rural lands.

2. The Board of Supervisors recognizes that the owners of *bona fide agricultural operations* need to explore creative alternative income generators that are *incidental* to, arise out of, and enhance, their traditional farming operations.

3. The Board of Supervisors also recognizes that the creative alternative income generators on *agricultural operations* must not be permitted to *significantly impact* the agricultural and rural character of the area, other agricultural operations, or creative alternatives for supplemental income generation on other agricultural operations.

4. The Board of Supervisors further recognizes its duty to protect County taxpayers from being inequitably burdened in the provision of infrastructure and services.

5. In light of the foregoing but now focusing more specifically on the interpretation of the new legislation, the Board first notes that the Statute applies only to *agricultural operations*. Land uses on a parcel located in an agricultural district that is not being used for an *agricultural operation* are regulated by the County's Zoning Ordinance just as they were prior to the adoption of the Statute.

6. Secondly, the Board notes that, should an owner of an *agricultural operation* conduct, or desire to conduct, one of the activities discussed in the Statute, that has, or will have, a *substantial impact* on the health, safety or general welfare of the public, which includes neighboring properties, then such activity also is regulated by the County's Zoning Ordinance as it was prior to the adoption of the Statute.

7. The term *agricultural operation* is understood by the Board of Supervisors to mean any operation devoted to the *bona fide production* of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products, and the production or harvest of products from silviculture activity. *Agricultural operations* can only occur on a parcel located in one of the designated agricultural districts, or a parcel with a legal continuing pre-existing non-conforming agricultural use. Though often used in the singular, the phrase *agricultural operation* shall include an operation that has more than one qualifying activity. For example, land that is used in part for the production of crops, in part as pasture and in part for hay production, shall be considered an *agricultural operation*, including for the consideration of whether the operation satisfies the definition of *bona fide production*. This understanding of *agricultural operation* is principally derived from Section 3.2-300 of the Code of Virginia (1950).

8. The term *bona fide production* is understood by the Board of Supervisors to mean:

- A. the *agricultural operation* is the primary use on the land. Factors such as the proportion of capital investment, operating expenses, labor, acreage, and similar considerations, allocated to agricultural activities, shall be taken into account when determining whether the *agricultural operation* is the primary land use, or to the contrary, is a secondary or incidental use. No specific proportion shall be considered conclusively dispositive of whether the *agricultural operation* is the primary land

use. Rather, the analysis shall be a total facts and circumstances analysis. However, an *agricultural operation* may never be deemed the primary use on the land if a reasonable person could conclude that the *agricultural operation* exists for the purpose of establishing eligibility for exemption from local regulation under the Statute, and;

- B. the agricultural operation is managed in good faith as a business activity, and;
- C. the agricultural operation qualifies for land use taxation treatment, whether or not land use taxation treatment is applied for in any given calendar year.

9. The term *agritourism activity* is understood by the Board of Supervisors to mean any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an *agritourism activity* whether or not the participant paid to participate in the activity. The words “farm” and “ranch” shall be construed in a manner wholly consistent with the definition of *agricultural operation*. Both are understood to mean one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products. This understanding of *agritourism activity* and the words “farm” and “ranch” is principally derived from Section 3.2-6400 of the Code of Virginia (1950).

10. The term *incidental* is understood by the Board of Supervisors to mean an event or activity that happens or occurs as a minor part of, or subordinate to, or as a result of, a primary event or activity; or as subordinate to, in conjunction with, or in addition to, the primary or regular activity, but is not the main activity; or is of secondary importance to, a minor accompaniment to, or naturally appertaining to, the main activity. For example, when the Statute provides that the sale of agricultural or agriculture-related products *incidental* to the *agricultural operation* may occur, it shall be interpreted to mean that the agricultural or agriculture-related products sold on a particular *agricultural operation* shall be a minor part of, or subordinate to, or a result of, that *agricultural operation*, or shall be subordinate to, or in conjunction with, the *agricultural operation*, but not the main activity on that property; or it shall be in addition to, naturally appertaining to, or a minor accompaniment to that particular *agricultural operation*. The sale of agricultural or agriculture-related products *incidental* to an *agricultural operation* shall not be construed to mean that products which might be considered agricultural in nature, but were produced somewhere other than as a part of the *agricultural operation* in question, may be sold from the property used for that *agricultural operation*.

Notwithstanding the foregoing, this definition of *incidental* shall not be construed to prevent the sale of a finished product that began as an agriculture-related product on

the *agricultural operation* in question, was sent off the *agricultural operation* for further processing, and was then brought back onto the *agricultural operation* for sale. Examples of acceptable activities include: meat animals produced on the farm in question but taken off-farm for slaughter, butchering, packaging and further processing such as making into sausage, then brought back onto the farm for sale or; fruits and vegetables produced on the farm in question but taken off-farm to be included in a finished product such as salsa or other condiments, then brought back onto the farm for sale. These examples are in no way to be construed as all inclusive.

Additionally notwithstanding the foregoing, nothing in this definition of *incidental* shall be construed to prevent Rockingham County farmers from working together in the marketing of their products. For instance, if neighboring *agricultural operations* find it more beneficial to sell agricultural or agriculture-related products produced on several neighboring *agricultural operations* from the location of one *agricultural operation*, rather than establishing multiple similar points of sale, such activity shall not be prevented by this definition.

Finally, also notwithstanding the foregoing, the sale of any products, from any source, that are complementary to agriculture-related products *incidental* to the *agricultural operation*, are not necessarily forbidden so long as the sale of such products constitutes a *de minimis* portion of the sales overall.

11. The term *substantial impact* is understood by the Board of Supervisors to mean that a land use begun or proposed after July 1, 2014, in an agricultural district, or on land that is in agricultural use because of legal pre-existing non-conforming use rights, is of such a nature as to change the character of the area in the vicinity of the new land use from that of a rural and agricultural area, to one that more resembles a business, commercial or industrial area, as those terms are generally understood. Factors to be considered when determining whether a substantial impact will, or has, occurred include, but are not limited to, sight distance and traffic loading on publicly maintained roads, or privately maintained roads that are shared by others; adequate sewage disposal and drinking water ; artificial light emanating from the property in a manner not typical in agricultural or rural areas; volume and nature of sounds emanating from the property not typical in agricultural or rural areas; impact on the view of traditionally rural and agricultural landscapes seen by the public, including but not limited to, the type of structures utilized or to be utilized by the new land use. For example, a use or proposed use that would generate a need for a large parking area often filled with non-farm vehicles could constitute a *substantial impact* on an existing or future agritourism activity located on a nearby parcel, which agritourism activity is or will be partially dependent upon a view of traditionally rural and agricultural landscapes. Similarly, a new or proposed use that would cause sounds to emanate off property which are not *usual and customary* in *bona fide agricultural operations* are likely to be construed as having a *substantial impact* on the public at large. Sounds caused by farm equipment, farm machinery, animals, or other *usual and customary* activity on a *bona fide production, agricultural operation* shall never be construed as

having a *substantial impact*.

12. The term *usual and customary* is understood by the Board of Supervisors to mean those activities or events permitted of right in the A-1 or the A-2 zoning district, as applicable.

13. The Board of Supervisors directs staff to develop a procedure whereby the zoning administrator can, with the involvement and participation of the property owner, determine whether a particular activity is exempt from regulation under Virginia Code Section 15.2-2288.6 because (1) the property owner is engaged in an *agricultural operation*, (2) with *bona fide production*, (3) the activity is or will be conducted in a manner that avoids having a *substantial impact* on other properties in the vicinity or the public generally, and (4) that any sale of appropriate products as contemplated by the statute are *incidental* to the *agricultural operation* in question, all as set forth in Virginia Code Section 15.2-2288.6, as interpreted by this Resolution.

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FINANCE DIRECTOR'S STAFF REPORT.

On motion by Supervisor Breedon, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDON - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board declared the following list of items surplus to be disposed of through the public surplus auction website:

Items to Declare Surplus – June 2014

Description	Quantity
Metal Cabinet, two (2) shelves, doors slide side to side	1
Ricoh MP 301SPF Copier (Serial # C82035154)	1
Office Swivel Chairs	3
Mail Box Style Storage Units	2
Typewriter	1
Portable Chalkboard Stand	1
Booklet Binder Machine	1
GBC Shredmaster 2250X	1
Shredder SPL-616X	1
Sampo TV	1
Ricoh Aficio 2035e	2
Dell D630	10
Dell D620	47

Toshiba C855D	5
Amadas B110x280 D Reel Rain Jr. (Serial # 450567)	
- Sold to Broadway High School	1

Mr. Allmendinger reported the current investment management services contract expires June 30, 2014. The Finance Committee and staff recommend accepting the proposal from PFM Asset Management, LLC. for a three-year period through June 30, 2017, which may be extended for two (2) additional one-year terms.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board accepted the proposal of PFM Asset Management, LLC for a three-year time period through fiscal year ending June 30, 2017, which may be extended for two (2) one-year options.

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FINANCE COMMITTEE REPORT:

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following supplemental appropriation:

FY2013-2014 Supplemental Appropriation

GENERAL FUND

Clerk of Circuit Court

A supplemental appropriation in the amount of \$3,624 for the purchase of replacement chairs in the jury room. Funding will be split equally between the City of Harrisonburg and the County.

Supplemental Appropriation: \$3,624

\$ 3,624	GL Code: 1001-02106-00000-000-508002-000	Furniture & Fixtures
\$ (1,812)	GL Code: 1001-09110-00000-000-505800-000	Contingency
\$ 1,812	GL Code: 1001-00000-11899-000-318600-000	Share of Costs - Harrisonburg

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following supplemental appropriation:

FY2013-2014 Supplemental Appropriation

GENERAL FUND

Jail

A supplemental appropriation in the amount of \$45,614 for maintenance of the jail. Items needed are an evacuate unit, compressor, and steam coils. Funding will be split equally between the City of Harrisonburg and the County.

Supplemental Appropriation: \$45,614

\$ 45,614	GL Code: 1001-03302-00000-000-508305-000	Site Improvements
\$ (22,807)	GL Code: 1001-09110-00000-000-505800-000	Contingency
\$ 22,807	GL Code: 1001-00000-11899-000-318600-000	Share of Costs - Harrisonburg

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following supplemental appropriation:

FY2013-2014 Supplemental Appropriation

GENERAL FUND

Board of Supervisors

A supplemental appropriation in the amount of \$11,000 for health insurance, travel costs, and minor equipment that could not be anticipated. Funding will be from the Contingency Fund.

Supplemental Appropriation: \$11,000

\$ 4,000	GL Code: 1001-01101-00000-000-502300-000	Health Insurance
\$ 5,000	GL Code: 1001-01101-00000-000-505503-000	Subsistence & Lodging
\$ 2,000	GL Code: 1001-01101-00000-000-506065-000	Minor Equipment
\$ (11,000)	GL Code: 1001-09110-00000-000-505800-000	Contingency

On behalf of the Finance Committee, on motion by Supervisor Breedon, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following supplemental appropriation:

FY2013-2014 Supplemental Appropriation

GENERAL FUND

Legal Services

A supplemental appropriation in the amount of \$3,000 for part-time salaries and wages. Funding will be from the Contingency Fund.

Supplemental Appropriation: \$3,000

\$ 3,000	GL Code: 1001-01204-00000-000-501300-000	Salaries & Wages (Part-time)
\$ (3,000)	GL Code: 1001-09110-00000-000-505800-000	Contingency

On behalf of the Finance Committee, on motion by Supervisor Breedon, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following supplemental appropriation:

FY2013-2014 Supplemental Appropriation

GENERAL FUND

Finance

A supplemental appropriation in the amount of \$15,800 for the purchase of the Pitney Bowes inserter that had been approved earlier in the fiscal year and for a replacement printer. Funding will be from the Contingency Fund.

Supplemental Appropriation: \$15,800

\$ 15,800	GL Code: 1001-01215-00000-000-508001-000	Machinery & Equipment
\$ (15,800)	GL Code: 1001-09110-00000-000-505800-000	Contingency

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following supplemental appropriation:

FY2013-2014 Supplemental Appropriation

GENERAL FUND

Technology

A supplemental appropriation in the amount of \$38,000 for health insurance and telecommunication costs that could not be anticipated. Funding will be from the Contingency Fund.

Supplemental Appropriation: \$38,000

\$ 7,000	GL Code: 1001-01220-00000-000-502300-000	Health Insurance
\$ 31,000	GL Code: 1001-01220-00000-000-505203-000	Telecommunications
\$ (38,000)	GL Code: 1001-09110-00000-000-505800-000	Contingency

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the supplemental appropriations:

FY2013-2014 Supplemental Appropriations

GENERAL FUND

1. Central Garage

A supplemental appropriation in the amount of \$11,000 for higher costs for repairs to vehicles that have been contracted with private repair shops and minor equipment replacements. Funding will be from the Contingency Fund and Garage Maintenance Revenue.

Supplemental Appropriation: \$11,000

\$ 6,000	GL Code: 1001-01221-00000-000-503301-000	Repairs & Maintenance
\$ 5,000	GL Code: 1001-01221-00000-000-506065-000	Minor Equipment
\$ (5,000)	GL Code: 1001-09110-00000-000-505800-000	Contingency
\$ 6,000	GL Code: 1001-00000-11619-000-316950-000	Garage Maintenance Charges –

Revenue

2. Electoral Board

A supplemental appropriation in the amount of \$24,700 for laptops for the registrar. Funding will be from the Contingency Fund.

Supplemental Appropriation: \$24,700

\$ 24,700	GL Code: 1001-01301-00000-000-508001-000	Machinery & Equipment
\$ (24,700)	GL Code: 1001-09110-00000-000-505800-000	Contingency

3. Circuit Court

A supplemental appropriation in the amount of \$11,000 for an additional law secretary and payment for criminal juries. Funding will be from the Contingency Fund and Court Fee Revenue.

Supplemental Appropriation: \$11,000

\$ 3,000	GL Code: 1001-02101-00000-000-501100-000	Salaries & Wages (Full-time)
\$ 8,000	GL Code: 1001-02101-00000-000-501700-000	Jury Commissioner/Members
\$ (1,500)	GL Code: 1001-09110-00000-000-505800-000	Contingency
\$ 1,500	GL Code: 1001-00000-11899-000-318600-000	Share of Costs – Harrisonburg
\$ 8,000	GL Code: 1001-00000-11601-000-316070-000	Payment for Criminal Juries

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

FY2013-2014 Supplemental Appropriations

GENERAL FUND

1. Clerk of Circuit Court

A supplemental appropriation in the amount of \$21,400 for severance pay, health insurance, and other professional services. Funding will be from the Contingency Fund and the City of Harrisonburg.

Supplemental Appropriation: \$21,400

\$ 5,000	GL Code: 1001-02106-00000-000-501900-000	Severance Pay
\$ 9,900	GL Code: 1001-02106-00000-000-502300-000	Health Insurance
\$ 6,500	GL Code: 1001-02106-00000-000-503100-000	Professional Services
\$ 10,700	GL Code: 1001-00000-11899-000-318600-000	Share of Costs – Harrisonburg
\$ (10,700)	GL Code: 1001-09110-00000-000-505800-000	Contingency

2. Extra Duty - Sheriff

A supplemental appropriation in the amount of \$49,000 for overtime and benefits associated with extra-duty activities by sheriff deputies. These costs will be funded by Supplemental Revenue received for the services provided.

Supplemental Appropriation: \$49,000

\$ 43,000	GL Code: 1001-03105-00000-000-501200-000	Overtime
\$ 3,600	GL Code: 1001-03105-00000-000-502100-000	FICA/Medicare
\$ 2,400	GL Code: 1001-03105-00000-000-502703-000	Workers Comp Insurance
\$ 49,000	GL Code: 1001-00000-11603-000-316330-000	Extra Duty Fees - Sheriff

3. Fire & Rescue

A supplemental appropriation in the amount of \$170,000 for overtime and central garage costs which were the result of staffing issues and unanticipated vehicle repairs and maintenance. Funding will be from the General Fund Reserve.

Supplemental Appropriation: \$170,000

\$ 98,000	GL Code: 1001-03201-00000-000-501200-000	Overtime
\$ 7,000	GL Code: 1001-03201-00000-000-502100-000	FICA/Medicare
\$ 35,000	GL Code: 1001-03201-00000-000-502703-000	Workers Comp Insurance
\$ 30,000	GL Code: 1001-03201-00000-000-504500-000	Central Garage
\$ 170,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

4. Jail

A supplemental appropriation in the amount of \$751,000 for the following items: overtime and part-time wages due to staffing needs, higher Worker's Compensation insurance, and professional health care and temporary housing of inmates. Funding will be from the General Fund Reserve and the City of Harrisonburg.

Supplemental Appropriation: \$751,000

\$ 30,000	GL Code: 1001-03302-00000-000-501200-000	Overtime
\$ 14,000	GL Code: 1001-03302-00000-000-501300-000	Salaries & Wages (Part-time)
\$ 20,000	GL Code: 1001-03302-00000-000-502300-000	Health Insurance

\$ 14,000	GL Code: 1001-03302-00000-000-502703-000	Workers Comp Insurance
\$ 340,000	GL Code: 1001-03302-00000-000-503101-000	Professional Health Insurance
\$ 333,000	GL Code: 1001-03302-00000-000-503115-000	Housing of Inmates
\$ 375,500	GL Code: 1001-00000-11899-000-318600-000	Share of Costs – Harrisonburg
\$ 375,500	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

5. General Property Maintenance

A supplemental appropriation in the amount of \$31,200 for overtime and part-time salaries and wages, repairs and maintenance along with the purchase of minor equipment, and electrical services. Funding will be from the Contingency Fund.

Supplemental Appropriation: \$31,200

\$ 3,200	GL Code: 1001-04302-00000-000-501200-000	Overtime
\$ 2,900	GL Code: 1001-04302-00000-000-501300-000	Salaries & Wages (Part-time)
\$ 4,300	GL Code: 1001-04302-00000-000-503109-000	Other Professional Services
\$ 7,200	GL Code: 1001-04302-00000-000-504500-000	Central Garage
\$ 3,300	GL Code: 1001-04302-00000-000-505101-000	Electrical Services
\$ 2,600	GL Code: 1001-04302-00000-000-506007-000	Repairs & Maintenance Supplies
\$ 7,700	GL Code: 1001-04302-00000-000-506065-000	Minor Equipment
\$ (31,200)	GL Code: 1001-09110-00000-000-505800-000	Contingency

6. Court House Maintenance

A supplemental appropriation in the amount of \$6,000 for repairs and maintenance of the courthouse. Funding will be from the Contingency Fund and the City of Harrisonburg.

Supplemental Appropriation: \$6,000

\$ 6,000	GL Code: 1001-04304-00000-000-506007-000	Repairs & Maintenance Supplies
\$ 3,000	GL Code: 1001-00000-11899-000-318600-000	Share of Costs – Harrisonburg
\$ (3,000)	GL Code: 1001-09110-00000-000-505800-000	Contingency

7. District Court Maintenance

A supplemental appropriation in the amount of \$17,000 for repairs and maintenance as well as machinery and equipment. Funding will be from the Contingency Fund and the City of Harrisonburg.

Supplemental Appropriation: \$17,000

\$ 5,300	GL Code: 1001-04310-00000-000-506007-000	Repairs & Maintenance Supplies
\$ 11,700	GL Code: 1001-04310-00000-000-508001-000	Machinery & Equipment
\$ 8,500	GL Code: 1001-00000-11899-000-318600-000	Share of Costs – Harrisonburg
\$ (8,500)	GL Code: 1001-09110-00000-000-505800-000	Contingency

8. Sheriff's Building Maintenance

A supplemental appropriation in the amount of \$8,000 for repairs and maintenance as well as heating services. Funding will be from the Contingency Fund and the City of Harrisonburg.

Supplemental Appropriation: \$8,000

\$ 4,200	GL Code: 1001-04311-00000-000-505102-000	Heating Services
\$ 3,800	GL Code: 1001-04311-00000-000-506007-000	Repairs & Maintenance Supplies
\$ 4,000	GL Code: 1001-00000-11899-000-318600-000	Share of Costs – Harrisonburg
\$ (4,000)	GL Code: 1001-09110-00000-000-505800-000	Contingency

9. Recreational Facilities Maintenance

A supplemental appropriation in the amount of \$23,000 for salaries and wages, health insurance, maintenance and heating services. Funding will be from the Contingency Fund.

Supplemental Appropriation: \$23,000

\$ 7,500	GL Code: 1001-04313-00000-000-501100-000	Salaries & Wages (Full-time)
\$ 2,200	GL Code: 1001-04313-00000-000-502300-000	Health Insurance
\$ 5,600	GL Code: 1001-04313-00000-000-503302-000	Maintenance Services
\$ 7,700	GL Code: 1001-04313-00000-000-505102-000	Heating Services
\$ (23,000)	GL Code: 1001-09110-00000-000-505800-000	Contingency

Supervisor Cuevas explained the supplemental appropriations under consideration are legitimate expenses incurred throughout the year. The funds are now being properly allocated as a “house cleaning procedure” before the County’s year-end on June 30, 2014.

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ANNUAL APPROPRIATION FOR FY 2014-2015 BUDGET.

On behalf of the Finance Committee, Supervisor Breeden made a motion, which was seconded by Supervisor Chandler, to appropriate the FY 2014-2015 Budget as adopted on April 30, 2014, and to authorize the Treasurer to transfer the funds as shown.

Prior to discussion and vote, Supervisor Kyger made the following statement for the record:

1. TRANSACTION INVOLVED: Consideration and adoption of a budget, related matters such as tax rates, and other issues concerning schools.
2. NATURE OF PERSONAL INTEREST IN THE TRANSACTION: I am an employee of the Rockingham County School Board. Therefore, I am affected by this Board's decisions concerning school funding and similar issues.
3. As a teacher, I am a member of an occupation the members of which are affected by the transaction specified in paragraph 1.
4. I am able to participate in the transaction fairly, objectively, and in the public interest and will vote on this issue.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board voted to appropriate the FY 2014-2015 Budget as adopted on April 30, 2014 and authorized the Treasurer to transfer funds as follows:

COUNTY OF ROCKINGHAM, VIRGINIA ANNUAL APPROPRIATION FOR FY 2014-2015 BUDGET

GENERAL FUND

General Government Administration	\$ 5,742,044
Judicial Administration	3,387,122
Public Safety	22,853,825
Public Works	2,309,368
Human Services	1,735,875
Parks, Recreation & Cultural	2,242,182
Community Development	2,448,291
Contributions	440,609
Contingency	500,000
Other Expenses	376,800
Transfers to Other Funds	58,544,561
Debt Service – County	1,994,187
Debt Service – Schools	9,457,553
TOTAL GENERAL FUND	\$ 112,032,417

Capital Projects Fund	\$ 12,426,000
School Capital Projects Fund	756,000
School Fund	121,042,203
School Cafeteria Fund	5,405,361
School Textbook Fund	662,000
Massanutten Technical Center Fund	5,101,222
Asset Forfeiture Fund	400,000
H'burg-Rockingham Social Services District	16,145,560
H'burg-Rockingham Comp Services Act	9,590,000
Central Stores Fund	45,000
Self-Funded Health Insurance Plan Fund	22,860,000
Water & Sewer Utilities Fund	8,578,000
Lilly Subdivision Sanitary District	60,000
Smith Creek Water & Wastewater Authority	412,000
Countryside Sanitary District	19,000
Penn Laird Sewer Authority	29,900
Solid Waste Fund	5,448,000
Laird L Conrad Law Library Fund	50,585
Human Resources Rental Fund	233,672
Emergency Medical Services Transp Fund	1,383,000
TOTAL EXPENDITURES	<hr/> \$ 322,679,920 <hr/>

And authorized the Treasurer to transfer from the General Fund to the following funds, as may be required:

School Fund	\$ 54,395,550
School Textbook Fund	\$ 662,000
Harrisonburg-Rockingham Social Services District	\$ 1,717,011
Harrisonburg-Rockingham Comprehensive Services Act	\$ 1,770,000

And authorized the Treasurer to transfer \$3,022,558 from the School Fund to the Massanutten Technical Center Fund as may be required.

And authorized the Treasurer to transfer \$756,000 from the County Capital Projects Fund to the School Capital Projects Fund as may be required.

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FINANCE COMMITTEE CONTINUED.

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as

follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following supplemental appropriations and budget adjustments:

FY2014-2015 Supplemental Appropriations

GENERAL FUND

1. Legal Services

A supplemental appropriation in the amount of \$6,000 for part-time salaries and wages. Funding will be from the General Fund Reserve.

Supplemental Appropriation: \$6,000

\$ 6,000	GL Code: 1001-01204-00000-000-501300-000	Salaries & Wages (Part-time)
\$ 6,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

2. Transfers To Other Funds

A supplemental appropriation in the amount of \$517,000 to transfer funds to the School Fund. Funding will be from the General Fund Reserve.

Supplemental Appropriation: \$517,000

\$ 517,000	GL Code: 1001-09301-00000-000-509521-000	Transfer to School Fund
\$ 517,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

FY2014-2015 Supplemental Appropriation

COUNTY CAPITAL PROJECTS FUND

A supplemental appropriation in the amount of \$756,000 to transfer funds from the County Capital Projects Fund to the School Capital Projects Fund.

Supplemental Appropriation: \$756,000

\$ 756,000	GL Code: 1101-09301-00000-000-509513-000	Transfer to School Capital Projects Fund
\$ 756,000	GL Code: 1101-00000-15201-000-352000-000	County Capital Projects Fund Reserve

FY2014-2015 Budget Adjustment

MASSANUTTEN TECHNICAL CENTER FUND

A budget reduction in the amount of \$22,122 for a revised appropriation of \$5,101,222 in FY2014-2015.

Budget Adjustment: (\$22,122)

\$ (22,122)	GL Code: 2205-61100-00000-305-602300-300	Health Insurance
\$ (22,122)	GL Code: 2205-00000-25101-000-400095-000	Transfer from School Fund

FY2014-2015 Budget Adjustment

LAIRD L CONRAD LAW LIBRARY FUND

A budget reduction in the amount of \$29,615 for a revised appropriation of \$50,858 in FY2014-2015.

Budget Adjustment: (\$29,615)

\$ (11,262)	GL Code: 1503-02101-00000-000-505402-000	Lease/Rent Building
\$ (2,003)	GL Code: 1503-02101-00000-000-505504-000	Professional Development
\$ 910	GL Code: 1503-02101-00000-000-503109-000	Other Professional Services
\$ (17,260)	GL Code: 1503-02101-00000-000-506012-000	Books & Subscriptions
\$ (29,615)	GL Code: 1503-00000-15201-000-352000-000	Laird L Conrad Law Library Fund Reserve

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Hertzler's staff report dated June 18, 2014.

Mr. Hertzler reported a Household Hazardous Waste Collection Day will be held in partnership with the City on June 21, 2014.

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PUBLIC WORKS COMMITTEE REPORT.

Public Works received the following sealed bids for the Three Springs Water Treatment Plant mechanical and electrical improvements:

Vendor	Base Bid	Additive Bid
Anderson Construction	\$ 705,950	\$ 18,000
East Coast Utility Contractors	\$ 433,000	\$ 27,000
Lantz Construction Company	\$ 689,950	\$ 35,000
Patterson Construction Company	\$ 578,344	\$ 54,344

The base bid is for all work excluding demolition of existing filter tanks and piping within the existing filter room. The additive bid was provided for the demolition work. Staff recommended approval of the East Coast Utility Contractors bid with the option to negotiate with them on the additive bid.

On motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved the East Coast Utility Contractors base bid of \$433,000 with the option to negotiate with them on the additive bid of \$27,000.

Chairman Cuevas asked Mr. Hertzler to schedule a trip for the Public Works Committee to visit the water treatment plant and landfill in the future. He also suggested the Buildings and Grounds Committee visit facilities where significant work is transpiring.

Mr. Hertzler noted the Buildings and Grounds Committee will conduct a quarterly review on June 24, 2014.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated June 18, 2014. In Mr. Armstrong's absence, Ms. Cooper presented the report and was available to answer questions. She drew the Board's attention to a required floodplain ordinance update. Ms. Stultz provided an overview of the required ordinance changes (*A copy is included in the "Attachments – Board of Supervisors Minutes" notebook maintained in Administration*). Ms. Stultz presented the ordinance overview on behalf of Floodplain Administrator Lisa Perry, who was at a training seminar. Mrs. Perry will present the ordinance during a public hearing scheduled on July 9, 2014.

Ms. Stultz explained that due to a revision of a Flood Insurance Rate Map (FIRM), a mandatory update is required to the floodplain ordinance. She reviewed the changes, provided County statistics and explained the increases to citizen's floodplain

insurance rates unless the County participates in the Community Rating System. By participating, the County would set standards higher than those required by FEMA and FEMA would assign point values for activities and regulations enforced. The points earned would determine the discount applied countywide for flood insurance premiums.

Ms. Stultz explained the ordinance needs to be adopted and approved by FEMA by August 18, 2014. The floodplain ordinance, which was included under Chapter 17, Zoning, in the County Code in 1986 can either be included under Chapter 17, Zoning, or as a separate ordinance grouped with the other environmental ordinances. She noted the County has a certified floodplain manager. Staff would like to repeal the current floodplain ordinance from Chapter 17, Zoning, and create a separate ordinance grouped with the other environmental ordinances (the stormwater and erosion, and sediment control ordinances) since these are more of an environmental than zoning issue. The floodplain ordinance will be a stand-alone ordinance.

Ms. Stultz asked the Board members to let Administrator Paxton know if they would like to schedule a work session to discuss the ordinance further before July 9th.

In response to a question from Supervisor Kyger, Ms. Stultz indicated Bridgewater is the only town in the County affected by the revised FIRM map, and town officials are preparing their own ordinance.

Supervisor Kyger asked if the County is coordinating with Bridgewater to make sure the ordinances are in agreement and follow the same standards. Administrator Paxton indicated a copy of the County's draft ordinance would be provided to Bridgewater. Supervisor Kyger said he would prefer staff communicate directly with Bridgewater Town staff so citizens in the town and just outside of the town do not have different standards. Administrator Paxton said it was possible the Town Council could set different standards but the County will communicate with them.

In response to comments from Chairman Cuevas, Ms. Stultz indicated this is different from the dam inundation areas he toured with dam inspectors a few years ago. Property owners in the floodplain will need to meet the minimum requirements, unless the County requires more stringent regulations. The County needs to have them follow stricter requirements in order to reduce their insurance premiums. Ms. Stultz said the County does not think citizens realize insurance rates will "sky-rocket" for homeowners living in floodplains.

In response to questions from Supervisor Eberly, Ms. Stultz said if an engineer provides the homeowner with a certification indicating the property is not in the floodplain, the homeowner can provide that certification to Community Development and the lending institution.

Supervisor Kyger said he would like to have talking points and frequently asked questions (FAQs) regarding the floodplain ordinance change, and have them posted on the County website. He also suggested the floodplain changes be discussed during an information session on the WSVN radio show.

Chairman Cuevas suggested *Daily News Record* reporter Bryan Gilkerson write an article regarding flood plain insurance to inform the public of the upcoming changes.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated June 2014.

Administrator Paxton informed the Board that staff discussed with the Chairman restructuring the technology committee that reviews proposals related to technology investments. Currently, the Information Technology Advisory Committee is comprised of Supervisor Eberly, and department heads and constitutional officers who only attend when their department wants to request technology assistance or a technology investment.

Since technology has grown to the level that it is involved in all aspects of the County's operation, staff recommended to Chairman Cuevas that the Information Technology Advisory Committee be transitioned to the Technology Committee and be part of the Board Committees appointed by the Chairman. These committees consist of two Board members, with support staff from the impacted department.

Administrator Paxton said Chairman Cuevas concurred and suggests for the current year, Supervisors Chandler and Eberly serve, with Assistant County Administrator Vaughn and Director of Technology Perry to assist the Committee, and County Administrator Paxton, ex-officio. Other members of the technology department will be asked to attend as the task, project or program requires.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated June 2014.

He informed Supervisor Breeden that Fire and Rescue is in the process of flow-testing hydrants at Massanutten, and repairing damaged gauges. He reported many of the flows are positive. Massanutten staff is assisting them as needed.

Supervisor Breeden questioned how Massanutten residents would be informed of the test results. Once the report is completed, Chief Holloway will provide a copy to Supervisor Breeden and Carter Miller, Massanutten Property Owners Association, Inc. Administrator, who was in attendance. Mr. Miller said information can also be provided through Patty Watson at Villager Publication, Inc. for *The Villager* newspaper.

Chief Holloway stated Fire and Rescue met with the towns recently on fire issues and flow issues, and will work with them to perform hydrant testing. The towns have been receptive and will paint the hydrants to bring them up to standard.

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PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. McQuain's staff report dated June 2014.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

Administrator Paxton advised the County received proposals for the Community-Based Corrections Plan & Facility Planning Study and interviewed three firms.

The Corrections Task Force recommends the Board, acting as the fiscal agent, and on behalf of the Harrisonburg City Council, award the project to Moseley Architects from the Richmond area. They have extensive experience in both community-based corrections planning, which is critical for the community to gain a clear perspective on the alternatives to incarceration, and jail construction, if such option is required. He received a follow-up communication from Mr. Gill, the principal on the project, explaining their understanding of the importance of alternative incarceration and determining the most appropriate way to incarcerate an individual, whether in their community or a jail facility. Administrator Paxton asked the Board to authorize the County Administrator to enter into a contract with Moseley Architects for the Community-Based Corrections Plan & Facility Planning Study.

On motion by Supervisor Chandler, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board

authorized the County Administrator to engage Moseley Architects for the Community-Based Corrections Plan & Facility Planning Study.

Chairman Cuevas indicated he was disappointed the County was unable to negotiate an agreement with Middle River Regional Jail.

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RECESS.

At 4:57 p.m., Chairman Cuevas declared the meeting recessed for dinner.

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PUBLIC HEARING - SPECIAL-USE PERMIT.

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

SUP14-057 Jerry F. & Carolyn J. Black, 7735 Horeb Church Road, Dayton, 22821 for second residence on property located on the southwest side of Waggys Creek Road (Route 742) approximately 2600' northwest of Briery Branch Road (Route 257) and Clover Hill Road (Route 613) intersection, Election District #4, zoned A-1, Tax Map #104-(A)-135. Property Address: 8723 Waggys Creek Road.

The applicant, Jerry Black, was present.

No one spoke in opposition to the request.

SUP14-079 Steve A. & Vickie S. Lohr, 5927 Niswander Lane, Harrisonburg, 22802 for a second residence (tenant house) on property located on the south side of Niswander Lane (Route 935) approximately 2275' west of Rocky Lane (Route 761), Election District #2, zoned A-2. Tax Map #78-(A)-4A.

Ms. Stultz informed the Board the applicants stated this is a temporary tenant house on a temporary lot. The manufactured home was intended to be a temporary home during construction of a single-family dwelling. When it was discovered the property was too steep to place the manufactured home on it, the applicants asked for a special-use permit to place the manufactured home on this property until the residence is constructed on Hopkins Gap Road. She explained that unless a time period is placed on the permit, the house and lot would not be considered temporary,

in which case, Mr. and Mrs. Lohr could rent the residence to another tenant worker when their son moves. If the Lohrs wanted to remove the manufactured home, it could be replaced with another manufactured home or a stick-built residence.

The applicant, Steve Lohr, was present.

No one spoke in opposition to the request.

Chairman Cuevas closed the public hearing at 6:07 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP-14-057, Jerry F. & Carolyn J. Black, 7735 Horeb Church Road, Dayton, 22821 for second residence on property located on the southwest side of Waggys Creek Road (Route 742) approximately 2600' northwest of Briery Branch Road (Route 257) and Clover Hill Road (Route 613) intersection, Election District #4, zoned A-1, Tax Map #104-(A)-135. Property Address: 8723 Waggys Creek Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Residence shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon the applicant obtaining a sewage disposal system and water supply for the proposed residence. A copy of said permits shall be submitted to the Community Development Department prior to issuance of a building permit.
4. Neither residence shall be used for rental purposes.
5. 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.

On motion by Supervisor Eberly, seconded by Supervisor Breedon, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER -

AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP-14-079, Steve A. & Vickie S. Lohr, 5927 Niswander Lane, Harrisonburg, 22802 for a second residence (tenant house) on property located on the south side of Niswander Lane (Route 935) approximately 2275' west of Rocky Lane (Route 761), Election District #2, zoned A-2. Tax Map #78-(A)-4A.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Residence shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon the applicant obtaining a sewage disposal system and water supply for the proposed residence. A copy of said permits shall be submitted to the Community Development Department prior to issuance of a building permit.
4. The manufactured home shall be skirted and the tongue removed (unless included within the skirting) within sixty (60) days of final inspection.
5. Neither residence shall 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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COMMITTEE REPORTS.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

Supervisor Chandler indicated the Fields of Gold program has established itself as an award-winning program of innovation and collaboration, and appreciates the support from the County.

CHAMBER OF COMMERCE

Supervisor Chandler advised White Oak Lavendar Farm will host a Business After Hours on June 19, 2014. The next community leadership program will be held from August, 2014 through April, 2015, and a Valley Business Summit will be held August 4, 2014.

FINANCE

Supervisor Kyger said, with the Marketplace Fairness Act under the microscope, he would like the County to actively pursue a county zip code. The process will take a couple years. The zip code would only apply to addresses in the County where a Harrisonburg zip code is currently utilized, not areas where there are currently County zip codes. He explained the County does not want to take tax money from Harrisonburg that belongs to them but wants to be able to receive tax dollars that legitimately belong to the County. If the Marketplace Fairness Act is passed for internet sales, it will be difficult for the Virginia Department of Taxation to determine which residents live in the County if they have a city zip code. Supervisor Kyger noted there are different ways to establish a County zip code but the easiest is to begin the process through the United State Postal Service.

Supervisor Kyger made a motion, seconded by Supervisor Eberly to authorize the County Administrator and staff to begin the process to obtain a County zip code.

Chairman Cuevas confirmed the intention is to proceed with proper procedures in order to differentiate the tax dollars paid by county citizens so that revenue is used on services in the County. He would like to know how long this process will take and whether the County will need to seek public input or approve a resolution. The time table is important so the County can provide proper notice to citizens so they can make changes on stationery, checks or other documents. He said the Board will be sensitive to the impact on citizens and businesses that are affected.

By a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board authorized the County Administrator and staff to begin the process to obtain a County zip code for the County portions of the Harrisonburg (22801 and 22802) zip code areas.

Chairman Cuevas asked Administrator Paxton, Mr. Miller and staff to update the Board as this project progresses.

Administrator Paxton reported the Virginia Association of Counties (VACo) requested a resolution supporting the Marketplace Fairness Act as a fair way to treat small businesses and brick and mortar retailers to level the competition.

VACo advised there is a U.S. Judiciary Committee proposal for an extension to the current Internet Freedom Act. The proposal is in lieu of the permanent Internet Freedom Act which has been introduced. Administrator Paxton said if the Board desires, staff will send a letter to Congressman Goodlatte and Senator Warner on the

Committee of Jurisdiction, with a copy to Senator Kaine, requesting support for both these actions.

Supervisor Kyger made a motion, seconded by Supervisor Chandler, to authorize Administrator Paxton to prepare a resolution supporting the Marketplace Fairness Act and send a letter to Congressman Goodlatte and Senator Warner, with a copy to Senator Kaine, supporting the short-term extension of the existing Internet Freedom Act.

Chairman Cuevas asked Mr. Miller to ensure this request meets the proper requirements of the process.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, authorized Administrator Paxton to prepare a resolution supporting the Marketplace Fairness Act and send a letter to Congressman Goodlatte and Senator Warner, with a copy to Senator Kaine, supporting the short-term extension of the existing Internet Freedom Act.

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Chandler noted the June meeting was cancelled and the MPO will meet in mid-July.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reminded the Board of the VACo County Officials Summit to be held August 14 and 15, 2014 in Richmond. He will provide a report from the National Association of Counties conference when he returns in July.

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COMMITTEE APPOINTMENTS.

In response to a question from Chairman Cuevas, Administrator Paxton noted the appointee to the Central Shenandoah Planning District Commission does not need to be a local official but it would be helpful. Administrator Paxton will check with Grottoes Town Council members regarding their interest in serving.

On May 28, 2014, Supervisor Breeden suggested asking Dr. Larry A. Bompiani to serve in the Community Services Board position that does not need to be filled by a citizen from a particular district. Supervisor Breeden will try to determine if Dr. Bompiani currently lives in the County.

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CLOSED MEETING.

On motion by Supervisor Breeden, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board recessed the meeting from 6:23 p.m. to 6:56 p.m., for a closed meeting pursuant to 2.2-3711.A, (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR CHANDLER RESOLUTION NO: 14-5
SECOND: SUPERVISOR KYGER MEETING DATE: JUNE 18, 2014

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, CHANDLER, CUEVAS, EBERLY, KYGER
NAYS: NONE
ABSENT: NONE

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ADJOURNMENT.

Chairman Cuevas declared the meeting adjourned at 6:56 p.m.

Chairman