

February 22, 2017

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 22, 2017, 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
- 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

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- GEORGE K. ANAS, II, Assistant County Administrator
- CASEY B. ARMSTRONG, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- BARRY E. HERTZLER, Director of Public Works
- JAMES B. MAY, Senior Planner
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- JOSHUA W. DUNLAP, Assistant Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Chandler called the meeting to order at 6:00 p.m. Supervisor Eberly gave the Invocation and County Attorney Miller led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, 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 February 8, 2017.

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INTRODUCTION OF STUDENTS.

Students from Eastern Mennonite, East Rockingham and Turner Ashby high schools introduced themselves to the Board.

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RECOGNITION – DONALD D. DRIVER, JR., DIRECTOR, HARRISONBURG ROCKINGHAM SOCIAL SERVICES DISTRICT.

On behalf of the Board, Administrator King read the following resolution honoring Donald D. Driver, Jr., Director of the Harrisonburg Rockingham Social Services District, for his 42 years of service.

R E S O L U T I O N

WHEREAS, Donald D. Driver, Jr., Director of the Harrisonburg Rockingham Social Services District (HRSSD), a local agency that provides community-based services to promote self-reliance and protection for children, older adults and families in the Harrisonburg and Rockingham County community, will retire on February 28, 2017, after more than 42 years of dedicated service; and

WHEREAS, Mr. Driver, a graduate of James Madison University (JMU), earned his B.A. in Psychology and Biology in 1974 and began his employment as an Eligibility Worker in the Food Stamp Unit of the Rockingham County Welfare Department; earned his M. Ed. in Counseling in 1978 and a Master's in Public Administration from JMU in 1992; and

WHEREAS, Mr. Driver left the agency in June 1975 to participate in a year-long mental health project, returned in June 1976 as a Social Worker Trainee, and became a Social Worker on November 1, 1976, serving as an Adult Protective Services, Child Protective Services and Foster Care social worker for eleven years; and

WHEREAS, Mr. Driver was promoted to Director of the Rockingham County Department of Social Services on June 1, 1988, and served as Acting Director of the Harrisonburg City Department of Social Services beginning September 1, 1994; and

WHEREAS, on July 1, 1995, the jurisdictions of Harrisonburg and Rockingham County consolidated their social services departments and changed the name to Harrisonburg Rockingham Social Services District under the leadership of Mr. Driver as Director; and

WHEREAS, there were approximately 20 employees working in the Welfare Department in the County Office Building on Main Street when Mr. Driver began his employment, and the agency relocated to Pleasant Valley Road from the early 1980s until February 1996, when the recently-consolidated agencies co-located to North Mason Street across from their current offices on Elizabeth Street that house 126 employees; and

WHEREAS, in the past year, under Mr. Driver's leadership, HRSSD assisted with 575 adult protective service cases, 2,421 child protective service cases, and 178 foster care cases; supported 325 on-going adoption subsidy cases; and provided nearly 2,000 children with Christmas gifts and an opportunity to meet Santa Claus at the event he organizes each year; and

WHEREAS, throughout his career, Mr. Driver served with the utmost humility and displayed heartfelt care and compassion for those he served, those most vulnerable and in need in our community; and he has been broadly and enthusiastically involved with local organizations that assist those in need by being one of the founding members and board member of the Harrisonburg and Rockingham Thermal Shelter (now Open Doors), serving on the Free Clinic and Habitat for Humanity boards, as well as the Healthy Community Council, EMU Social Work Department Advisory Committee; United Way Community Investment Teams; and serving on the Virginia League Social Services Executive Committee.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, does hereby thank Donald D. Driver, Jr. for his commitment to our community, compassion for those he serves and dedication to service, and recognizes him for his outstanding contribution to making Rockingham County and Harrisonburg *A Great Place To Be!*

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 resolution recognizing Donald D. Driver, Jr. on his retirement.

Supervisor Breeden, who has served on the Social Services Advisory Board since he was elected to the Board in 2000, presented Mr. Driver with a framed resolution and noted that he met Mr. Driver when he and his wife became foster parents. Supervisor Breeden stated Mr. Driver's integrity and compassion are like none other.

Mr. Driver thanked the Board and stated during his tenure he has worked with three county administrators and three city managers, as well as Board and Council members. He said it has been a privilege to serve the community.

Supervisor Kyger said Mr. Driver is a testament of a model citizen and encouraged students in the audience to strive to be a model citizen.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department, which included the following updates:

- The Lee Highway/South Valley Pike (Route 11) bridge replacement is going well and traffic will be able to utilize both lanes soon;
- A pre-construction conference regarding the Ottobine Road (Route 257) bridge will be held in March;
- Work will begin on the Airport Road (Route 727) bridge project to straighten the curves in April; and
- The safety improvement project to upgrade signs on Rawley Pike Route 33 has been completed.

Rural rustic improvements include:

- Cutting trees on Koontz Corner Road (Route 807) and preparing to install pipes;
- Contacting residents on Stephen Conrad Road (Route 979) regarding the road improvement;
- Moving utilities in preparation for cutting trees along Captain Shands Road (Route 690); and
- A positive meeting with a landowner on Overly Hollow (Route 823) regarding the slope repair.

Maintenance activities include brush cutting, spot grading on gravel roads, and flushing culverts.

In response to a question from Supervisor Breeden, Mr. Komara stated that VDOT is responsible for cleaning the culverts and side ditches along Route 33 across the Skyline Drive. He said it is difficult to keep them free of leaves.

Supervisor Breeden asked Mr. Komara to inform Mr. Dean that there are some potholes on East Side Highway (Route 340) near MillerCoors Shenandoah Brewery.

Mr. Komara indicated VDOT introduced a transition speed limit zone on Port Republic Road (Route 253) from Alumnae Drive (Route 331) to the 35 mile-per-hour zone through the Village of Port Republic. Chairman Chandler expressed appreciation to VDOT for extending the reduced speed area.

Chairman Chandler reminded Mr. Komara to continue to look at providing full left turn lanes on Cross Keys Road (Route 276). Presently there are full left turn lanes on Port Republic Road (Route 253) heading in both directions, and a right turn pocket going south on Cross Keys Road. Adding full turn lanes with an advanced left turn signal on Cross Keys Road in both directions would be helpful since traffic backs up at that intersection.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator King's staff report dated February 17, 2017.

Supervisor Kyger thanked Administrator King for providing information on the SPCA, and confirmed it was forwarded to the individuals who requested it.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller indicated it is typical for localities to allow merchants that collect food and beverage taxes for the locality to keep some money for an administrative fee, in the same manner allowed by the State for state taxes. If the Board wishes to allow merchants to keep money for administering the food and beverage tax, an ordinance needs to be adopted. Mr. Miller reviewed a draft ordinance regarding the reporting of taxes collected, remittance, and preservation of records. He noted staff looked at different ways to calculate the fee. He noted there is some expense to set up the equipment and software, perform the accounting, complete the forms and prepare the check. Many localities allow merchants to keep a percentage rate but do not set a maximum cap. At a certain point there is no additional expense so the merchant will make money by collecting the tax.

Staff recommends allowing the merchant to deduct twenty-five percent (25%) of the amount of taxes collected as an administrative fee, with a maximum deduction of \$75.00 from each monthly payment. Mr. Miller explained that this helps smaller merchants because the higher percentage administrative fee allows merchants to be reimbursed more quickly.

Mr. Miller noted that the \$75.00 cap is a recommendation for the Board's consideration, and indicated it can be discussed further at the March 8, 2017 meeting. Once the Board determines an appropriate cap, he will prepare a public notice for an intent to adopt the ordinance.

By consensus of the Board, Mr. Miller was asked to advertise a public notice with an intent to adopt the proposed ordinance at the March 8, 2017 meeting.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

Mr. Hertzler provided an update on Three Springs Water Treatment Plant well number 3. Burner Well Drilling started work on February 13, 2017 and by February 17, had progressed to the 250-foot mark while encountering broken rock and mud seams. They reported blowing 400 to 500 gallons of water per minute. They are drilling to 350 or 400 feet to log the conditions for future use. Burner Well Drilling will cap the well and install bentonite around the upper casing to seal the well from surface contamination and complete the contract.

Mr. Hertzler noted the original contract was a unit price contract of \$16,585. Due to the mud seam conditions and drilling difficulties, current expenses are at \$17,064 with an anticipated additional expense of \$12,500 to complete the project.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated February 22, 2017.

Mr. Armstrong thanked the Board for attending the supplemental standards work session earlier in the day, and indicated staff hopes to finalize the supplemental standards in the next couple of months.

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 removed from the table SUP16-112, Verizon Wireless LLC, 536 Pantops Center - PMB#405, Charlottesville 22911 for a 199' monopole tower and supporting equipment on property located on a private right-of-way at the dead end of Three Leagues Road (Route 1090) approximately 2/3 mile south of McGaheysville Road (Route 996), Election District #5, zoned A-1. Tax Map #142-(A)-51. Property Address: 1168 Hodge Lane.

Supervisor Breeden reported that Verizon Wireless asked for a 90-day extension to evaluate the site further. Supervisor Breeden did not think 90 days would change his determination because Verizon has not convinced him that another cell tower is needed to provide coverage in that area. He stated area residents have spoken and he heard them.

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 denied SUP16-112, Verizon Wireless LLC, 536 Pantops Center - PMB#405, Charlottesville 22911 for a 199' monopole tower and supporting equipment on property located on a private right-of-way at the dead end of Three Leagues Road (Route 1090) approximately 2/3 mile south of McGaheysville Road (Route 996), Election District #5, zoned A-1. Tax Map #142-(A)-51. Property Address: 1168 Hodge Lane.

On behalf of Chairman Chandler, on motion by Supervisor Kyger, 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 removed from the table REZ16-341, Surber Development and Consulting LLC, 109 Holly Ridge Road, Glade Spring, VA 24340, to rezone TM # 125-(A)- L160, located east of Reservoir Street (Route 710) and north of Fieldale Place (Route 895), totaling 5.3 acres, from Medium Density Residential District (R-2) to General Residential District with Conditions (R-3C). The Comprehensive Plan identifies this area for Community Residential Development. Election District 3.

On behalf of Chairman Chandler, on motion by Supervisor Kyger, 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; and subject to the following proffers, the Board approved REZ16-341, Surber Development and Consulting LLC, 109 Holly Ridge Road, Glade Spring, VA 24340, to rezone TM # 125-(A)- L160, located east of Reservoir Street (Route 710) and north of Fieldale Place (Route 895), totaling 5.3 acres, from Medium Density Residential District (R-2) to General Residential District with Conditions (R-3C). The Comprehensive Plan identifies this area for Community Residential Development. Election District 3.

PROFFERS:

RE: Proffers for TM# 125-(A)- L160 zoned R2 (applying for R3 rezoning)

With the proposed rezoning request for the parcel listed above, the following proffers are rendered:

1. One single story building shall be located at the eastern portion of the site. Building shall have a maximum height of 25 feet.
2. Two residential apartment buildings, each three stories, with 24 units and two open breezeway/stairwells each shall be situated along the far eastern and northern property boundaries. One residential apartment building, three stories, with 12 units and one open breezeway/stairwell shall be situated along the southwestern property boundary. One residential apartment building, three stories, with 18 units and two open breezeways/stairwells shall be situated along the southwestern property boundary. All buildings shall be positioned in compliance with the setback requirements. Buildings shall have a maximum height of 45 feet.
3. Paved vehicle connectivity will be provided between the existing Robinson Park development and the proposed development.
4. Along the eastern property line along Reservoir Street a 15' landscape buffer comprised of alternating and staggered evergreen shrubs and medium to large sized deciduous trees shall be installed. Evergreen shrubs and deciduous trees shall be placed on ten (10) foot centers. Along this buffer two (2) breaks shall be placed in the landscaping: 1) For the entrance and 2) a 50' break with no extra landscaping (except for what is called for in the landscaping ordinance) for visibility for the proposed Community Center from Reservoir Street. All landscaping will be installed prior to the receipt of any Certificates of Occupancy.
5. All landscaping will be installed and maintained by the owner. All landscaping will be installed prior to the receipt of any Certificates of Occupancy.

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COMMITTEE REPORTS.

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

CHAMBER OF COMMERCE

Supervisor Eberly indicated the Chamber meets February 23, 2017.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chairman Kyger reported the CCJB met January 30, 2017, with a lot of discussion. A sub-committee was appointed to perform research and provide a report at the next CCJB meeting.

SOCIAL SERVICES

Supervisor Breeden announced that Mr. Driver's retirement celebration is February 24, 2017, and asked the Board and staff to stop by if they have a chance.

TECHNOLOGY

Supervisor Kyger reported the Technology Committee meets February 23, 2017.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger announced the General Assembly short session is coming to a close and issues of most concern to the County turned out fine. He informed the audience legislation before the General Assembly that almost passed would have taken zoning authority regarding cell tower transmissions away from localities, allowing communication companies to place cell towers where they want them, even on public right-of-ways. Supervisor Kyger said the cell tower issue will surface again and the County may not be in a favorable position.

Supervisor Kyger will attend the 2017 National Association of Counties (NACo) Legislative Conference in Washington, DC February 25 – March 1, and hopes to meet with Senator Kaine and Congressman Goodlatte regarding the Marketplace Fairness Act and Payment in Lieu of Taxes (PILT).

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RECESS.

At 6:36 p.m., Chairman Chandler recessed the meeting until the public hearing scheduled at 7:00 p.m.

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OPEN MEETING.

Chairman Chandler opened the evening portion of the meeting at 7:01 p.m.

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ROBINSON PARK.

Mr. Miller reminded the Board that REZ14-190 for SEGM VA LLC, referred to as Robinson Park, was approved on January 14, 2015, and had limited borders and confines. The Board authorized the County Administrator to sign documents reasonably required to evidence the designation of the area within those confines as a revitalization area.

Mr. Miller informed the Board that Jen Surber has requested that the Board provide similar documents declaring REZ16-341 for Surber Development and Consulting, LLC, which was approved earlier in the meeting and is referred to as Robinson Park Phase II, as a revitalization area. He indicated the developer requested documentation indicating the County considers the Phase II part of the project a revitalization area.

Mr. Miller noted there is some urgency on this and indicated if the Board desires, it can move that Robinson Park Phase II be included in the resolution passed previously for Robinson Park as being part of the same project, and thereby declaring the Phase II portion as part of the revitalization area. If the Board desires to pass a motion, Administrator King can provide a letter to help the developer obtain federal housing tax credits.

On behalf of Chairman Chandler, on motion by Supervisor Kyger, seconded by Supervisor Eberly, the Board confirmed that the revitalization resolution passed on January 14, 2015, includes both the first phase and second phase of Robinson Park, and the original resolution therefore includes application 2017-C-37. 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 provide documentation including Robinson Park Phase II as part of this revitalization area.

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PUBLIC HEARING - ORDINANCE AMENDMENT.

At 7:04 p.m., Chairman Chandler opened the public hearing and Mr. May reviewed the following ordinance amendment:

OA17-026, To amend Section 2-45 of the Rockingham County Code of Ordinances, which establishes a fee schedule for Geographic Information Systems services including providing data for download and printing materials, to revise the prices for materials to more accurately reflect the cost associated.

Mr. May indicated staff was asked to review the geographic fee schedule. He noted the current fee for orthophotography is \$9,303, as set in 2007 by the Virginia Base Mapping Program (VBMP) ran by Virginia Geographic Information Network (VGIN). The VBMP has since reduced the fee to \$90.

In response to a question from Administrator King, Mr. May indicated there has been no requests for orthophotography information, and the public could obtain the same information from other sources for \$90. The County is now required to charge the \$90 fee.

During the review, staff noticed some data layer fees were high (\$400 for a tax parcel layer and \$100 for a road centerline layer). Mr. May noted this data is managed consistently. Since distribution of the data is free, staff recommends providing the data at no cost. The fee for a map sized up to 11 x 17 is currently \$15 and a map of that size with orthophotography is \$20. Staff determined the actual cost was much lower, and recommends reducing the fee for printed data. Mr. May reviewed the suggested fees in the proposed ordinance amendment. He noted the County wants to recoup costs but does not desire to make money from copies. The fees for oversized copies include shipping and handling. The recommended revised fees would significantly lower the cost of GIS products distributed to the public, Mr. May said.

Supervisor Kyger confirmed with Mr. May that staff thoroughly researched the costs.

No one spoke regarding the proposed ordinance amendment.

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INTENT TO ADOPT.

Mr. Armstrong reviewed the following proposal:

To amend the Rockingham County Erosion and Sediment Control Plan Review and Inspection Policy Fee Schedule to establish a maximum limit to the plan review fee not to exceed \$12,500 and a maximum limit to the permit fee not to exceed \$12,500.

He noted the original fee schedule was adopted in 2008 with no caps. Depending on the size of a development, the developer may pay significantly more for plan review and permitting than it costs County staff to inspect the property and conduct a proper plan review.

Taking into consideration the cost of labor to perform a post construction inspection and plan review, staff recommends the maximum fee not exceed \$12,500, the same as the mandatory stormwater management fee charged by the State. The fee allows a developer a 60-acre plan review and allows for 120 disturbed acres, which represents a maximum of one site a year. He noted the \$12,500 fee will adequately cover County staff's expenses.

Mr. Armstrong explained this is not an ordinance amendment, but a stand-alone document that requires Board approval.

Mr. Miller interjected that the proposed ordinance amendment and intent to adopt a fee schedule are examples of staff constantly reviewing how to provide services to the public in a cost effective manner.

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ORDINANCE AMENDMENT.

At 7:11 p.m., Chairman Chandler called the regular meeting back to order.

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

**ORDINANCE REPEALING
AND RE-ENACTING
SECTION 2-45
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 2-45. – Geographic information systems be and hereby is repealed and re-enacted as follows:

The fees for services administered by the department of community development, for county-generated and state-provided data, shall be as follows:

- (a) For printed data:
 - (1) Letter or Legal
 - a. Fewer than 20 copies - \$0.00
 - b. 20 to 40 copies - \$5.00
 - c. Each additional 20 copies - \$5.00
 - (2) Tabloid
 - a. Fewer than 10 copies - \$0.00
 - b. 10 to 20 copies - \$5.00
 - c. Each additional 10 copies - \$5.00
 - (3) Oversize
 - a. 24" x 36" - \$5.00
 - b. 36" x 48" - \$10.00
- (b) Virginia Geographic Information Network digital products¹: VBMP Orthophotography.
 - (1) Entire County or a portion thereof – \$90.00

1 Virginia Base Mapping Program (VBMP) Orthophotography Data License Agreement for Governmental Users - Any licensed jurisdiction is authorized to act as an agent for Virginia Geographic Information Network (VGIN) in the sale of VBMP orthophotography as outlined in the license clarification issued in September 2007. Both the license clarification and the pricing sheet are available on VGIN's website (www.vita.virginia.gov). A licensed jurisdiction may sell orthophotography to anyone at the VGIN pricing. A licensed jurisdiction may charge more but not less than VGIN prices. Understand that VGIN will always charge the listed price and the customer is free to buy from the licensed jurisdiction or from VGIN. Any monies collected by the licensed jurisdiction may be retained by the jurisdiction. If VGIN makes the sale, VGIN retains the funds.

This ordinance shall be effective from the 22nd day of February, 2017.

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INTENT TO ADOPT.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, 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 Erosion and Sediment Control Plan Review and Inspection Policy Fee Schedule effective February 22, 2017:

**Rockingham County
Erosion and Sediment Control
Plan Review, Permit, and Inspection Policy
Fee Schedule Effective February 22, 2017**

The following fees are hereby established for plan review, permit issuance, and inspection of land-disturbing activities, which require a permit or an agreement in lieu of a plan as applicable:

- (1) For the review of a plan for an individual single-family residential unit or similar (\$150.00).
- (2) For the review of a plan for commercial, industrial, or other residential land disturbing activities (\$500.00 + \$200.00 per acre or part thereof), not to exceed \$12,500.00.
- (3) In addition to Sections (1) and (2) above, if a plan is incomplete there shall be a fee of (\$100.00) for plan review of a resubmitted plan.
- (4) The permit fee for commercial, industrial, or other residential land disturbance activities (\$500.00 + \$100.00 per acre or part thereof), not to exceed \$12,500.00.
- (5) The permit fee for all other land disturbing activities, including agreements in lieu of a plan (\$150.00).
- (6) For the re-inspection of a site previously found deficient (\$100.00).

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ADJOURNMENT.

Chairman Chandler declared the meeting adjourned at 7:12 p.m.

Chairman