

March 23, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, March 23, 2016 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

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
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
JEREMY C. HOLLOWAY, Fire & Rescue Chief
KATHARINE S. McQUAIN, Director of Parks and Recreation
RHONDA H. COOPER, Director of Planning
DIANA C. STULTZ, Zoning Administrator
KELLY S. GETZ, Code Compliance Officer
JAMES B. MAY, Senior Planner
JESSICA G. KILBY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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

Chairman Kyger called the meeting to order at 6:00 p.m.

Supervisor Cuevas gave the Invocation and Finance Director Davidson led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Eberly, 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 minutes of the regular meeting of March 9, 2016.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the transportation department including updates to the South Valley Pike (Route 11) bridge work, the intersection of South Eastside Highway (Route 340) and Port Republic Road (Route 253), Long Bow Road (Route 684), Bow Hunters Road (Route 833), and Horeb Church Road (Route 732).

Mr. Komara stated that plant-mix projects will begin in late May or early June. He reported that VDOT purchased a new loader-mounted sweeper and has been testing it on the east side of the County.

Mr. Komara announced the public hearing regarding the Six-Year Improvement Program (SYIP) will be held on May 16, 2016, at 4 p.m. at the Blue Ridge Community College Plecker Center. The SYIP allocates public funds to highway, road, bridge, rail, bicycle, pedestrian and public transportation projects.

Regarding Supervisor Breeden's previous request for rural rustic road improvements along a portion of Ore Bank Road (Route 708) and Browns Gap Road (Route 663), Mr. Komara indicated he visited the site.

Mr. Komara reported that the East Market Street (Route 33) Interchange with I-81 exit 247 project previously selected for HB2 funding has slipped down the list, no longer qualifying for this round. Alternatively, the South Valley Pike (Route 11) project that did not initially score high enough for funding has now been selected. The Rawley Pike (Route 33 West) project is still in the plan. In response to a question from Administrator Paxton, Mr. Komara indicated the change in projects will not affect revenue sharing projects.

Regarding the intersection at the BP Station on Spotswood Trail (Route 33), Supervisor Breeden asked when updated drawings will be available. According to Mr. Komara, the drawings will be complete soon and he will provide them to Supervisor Breeden.

Supervisor Breeden indicated the traffic light at the intersection of Spotswood Trail (Route 33) and Island Ford Road (Route 649) is causing backups into the intersection of Island Ford Road and McGaheysville Road (Route 996). Mr. Komara explained that several traffic lights were adjusted on ancillary routes to relieve congestion on the east end of Spotswood Trail. Supervisor Breeden explained that with McGaheysville Fire Department, MillerCoors and Merck in such close proximity to the light, it should be readjusted. Chief Holloway agreed, and pointed out that the intersection of Spotswood Trail and Rockingham Pike (Route 981) experiences the same backup issues, especially during arrival and departure times at Riverbend Elementary School and East Rockingham High School.

Supervisor Eberly thanked Mr. Komara for recent work on Horeb Church Road (Route 732) and reminded him to place traffic counters on Potter John Lane (Route 915).

After discussion regarding on-going visibility issues on Friedens Church Road (Route 682), Mr. Komara indicated he will look at the traffic data to determine if it qualifies for safety improvements, and if so, the visibility issues can be addressed from a safety standpoint.

Supervisor Chandler requested improvements to Tiger Camp Road (Route 1604), asked that Beulah Road (Route 716) be added to the Litter Control list, and mentioned that a landowner is willing to work with VDOT regarding a sharp turn near the Cross Keys traffic light.

Supervisor Kyger commended VDOT for an outstanding job maintaining the major gateways to the County. He stated that the I-81 corridor looks better than ever and explained how appearance is critical to attracting new business.

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INTRODUCTION OF STUDENTS.

Students from Turner Ashby High School, Spotswood High School, and Eastern Mennonite High School introduced themselves to the Board.

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FIRE SERVICES BOARD.

Randy Wheeler, Vice Chairman of the Virginia Fire Services Board, provided an overview of the recent Rockingham County Fire and Emergency Medical Services (EMS) Study conducted by members of the Virginia Fire Services Board, the Virginia Department of Fire Programs, the Virginia Department of Forestry and the Virginia Office of Emergency Medical Services. The Board of Supervisors requested the study to determine how the County can better position itself to maintain a high level of service as the County continues to grow.

Mr. Wheeler emphasized that the County currently has a very good system. He reviewed suggestions throughout the report categorized into five areas: Organizational Development, Communication, Training, Budget and Administration, and Delivery of Services.

Key suggestions highlighted by Mr. Wheeler included acquiring additional staff to support emergency response stations, improving communication between the fire and rescue community including volunteers, and improving dispatch protocols to ensure a consistent service delivery across the County, particularly as they relate to low priority service calls.

Mr. Wheeler commended the County's Strategic Plan, pointing out that the answers to sustained success are in the plan, even though they are costly. He pointed out the importance of maintaining the emergency communications system, investing in prioritized training, and effectively maintaining the Capital Improvement Program (CIP).

The full report "Rockingham County Fire and Emergency Medical Services (EMS) Study" can be found in the "Attachments Board of Supervisors Minutes" notebook maintained in Administration.

Administrator Paxton expressed appreciation to Mr. Wheeler and indicated Board members and staff were impressed with the level of professionalism the study group provided. As resources are scarce, Administrator Paxton pointed out that staff will be judicious in moving forward.

On motion by Supervisor Chandler, 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 accepted the Rockingham County Fire and Emergency Medical Services (EMS) Study from the Virginia Department of Fire Programs.

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MASSANUTTEN RESORT.

Massanutten Resort General Manager Matthias Smith updated the Board on the activities of the resort. He reported that in December, an umbrella bar was installed near Lift 4. In January, the resort announced 100 percent employee ownership. February brought an announcement regarding grant opportunities for local high school students. Upcoming events include the launch of a new mountain bike park, a resort-wide job fair,

the unveiling of a new website on June 1, and the revamping of an existing restaurant to incorporate local food and beer.

Mr. Smith pointed out that the resort had an outstanding year, breaking records in several areas, including more rentals, increased visitors, and a record number of waterpark sales. He was excited to report that employee retention continues to increase with over 160 employees serving for over a decade, nearly 80 employees for two decades and 20 employees working for over three decades.

Mr. Smith pointed out that increased visitors and sales means more jobs. With that, Massanutten is facing a challenge of finding qualified technical employees. He noted that over 100 jobs last year required technical expertise, whether being a certified spa technician or certified in a specific industrial trade. As more jobs are technical based, Mr. Smith emphasized the importance of finding “that technical employee”. By working with the County, he hopes to find ways to fill that gap.

In closing, Mr. Smith expressed appreciation to Board members for continued support, and stated that he looks forward to another outstanding year.

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ROCKINGHAM COUNTY PUBLIC SCHOOLS BUDGET PROPOSAL.

Dr. Carol S. Fenn, Division Superintendent, acknowledged school Board members and key staff members in attendance and thanked the Board for their continued support. She proceeded to present the School Board approved budget for the 2016-2017 school year. The presentation included state and federal revenue updates, a local revenue request, and expenditure needs for the upcoming school year.

She reported that expenditure needs for the upcoming year total \$131,434,538. This includes a two percent average salary increase for all employees, a projected nine percent increase in health insurance, and as approved by the General Assembly, an increase in the Virginia Retirement System (VRS) rate from 14.06 percent to 14.66 percent. The proposed budget includes an increase in instructional needs of approximately \$580,000 for special education regional tuition, an expanded summer school program, increased professional development for teachers, restoration of the master’s degree reimbursement program, and implementation of a reading specialist master’s degree program.

Personnel requests for next year include one half-time intensive English teacher, one English-language learner teacher, three special education teachers and two positions to be used for class-sized needs, all totaling \$357,500. Dr. Fenn pointed out the proposed budget also includes a request to restore athletic supplements at each high school and the addition of a gymnastics program at Broadway High School; a total athletic increase of \$28,500.

Year three of the digital conversion initiative includes upgrading the wireless network, piloting devices in elementary schools, deploying devices to high school and middle school staff and all middle school students, providing essential professional development for teachers, and adding technology support staff. Year three of the digital conversion initiative will cost approximately \$1.5M.

Dr. Fenn reported that the County anticipates 11,310 students next year. With that, the composite index will decrease to 35.61 percent, which will provide increased funding from the state. Miscellaneous revenue is expected to generate \$131,000. Dr. Fenn indicated \$3M is expected from the state. Additionally, for all of Virginia, the state earmarked \$49M for year one and \$85M for year two for a two percent salary increase for all funded Standards of Quality (SOQ) instructional and support positions. Participation is optional by Virginia school divisions and requires a local match. School divisions must provide at least a two percent salary increase by December 2016 to be eligible for the state funding. Federal revenue is estimated at \$165,000, which will help fund Title I, Title III and Special Education programs.

The cafeteria fund is balanced at approximately \$5.4M. This includes a required lunch increase of ten cents, an increase mandated by USDA federal guidelines and a two percent salary increase for cafeteria workers.

Dr. Fenn reported that beginning next year, the textbook fund will become part of the operating budget, as recommended by the auditor.

Capital projects include improvements at John Wayland Elementary School, Pleasant Valley Elementary School and construction of a new alternative education facility between Massanutten Technical Center and Pleasant Valley Elementary School.

Given all the above information, along with estimated state, and federal revenue amounts, Dr. Fenn and the School Board recommended a local operating budget for the 2016-2017 school year of \$59,353,791, an increase of approximately \$2.2M from the 2015-2016 school year.

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PUBLIC HEARING – REZONING.

At 7:34 p.m., Chairman Kyger opened the public hearing and Senior Planner May reviewed the following proposed rezoning request:

REZ16-018 Sentara RMH Medical Center, 2010 Health Campus Dr., Harrisonburg, VA 22801, to rezone TM# 125-(17)- L1, L1A; 125-(A)- L121, L135, L136, totaling 238.61 acres, currently zoned General Business District (B-1) and General Agriculture District (A-2), to Planned Medical and Research District (PMR). The Comprehensive Plan identifies this area as Mixed Use. The property is located in Election District 3.

Rob Lynch, counsel for Sentara RMH, was present to answer questions. He stated that the property is currently zoned General Business District, a zoning classification that already allows the hospital to conduct business as a health care facility. He indicated the request has been a joint effort between the hospital and County staff to develop a zoning category more appropriate for a hospital, which did not exist when the hospital was built. Mr. Lynch stated that in 2012 the hospital celebrated 100 years of local service, at which time Sentara RMH staff were asked to look toward a second century of service. Mr. Lynch indicated that the impact of any plans would be long term, and would have minimal effect on road infrastructure and County operations.

Carol Sweger, a resident of Port Republic, did not speak in opposition to the rezoning request; however, she indicated a new traffic light on Stone Spring Road (Route 280) would not be welcome. She suggested a roundabout as a preferred method of traffic control rather than an additional traffic light.

Seth Roderick, Director of Planning and Transportation for Valley Engineering, indicated roundabouts are efficient when used in particular locations. He said that with the future capacity of Stone Spring Road, a roundabout would be inefficient.

Supervisor Eberly asked if future businesses and medical offices constructed on the property would be classified as “not for profit Sentara”. In response, Mr. Lynch pointed out that with no current plans for development, he cannot answer the question.

PUBLIC HEARING – ORDINANCE AMENDMENTS.

Ms. Stultz reviewed the following proposed ordinance amendments:

- OA16-026 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2, Definition of Terms, Section 17-201 Definitions generally to amend the definitions of camp and event center and to add a definition for retreat center.
- OA16-029 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 Land Use and Zoning Table to add retreat center as a permitted use (P) in the R-4 zoning district and as a special use (SU) in the A-1, A-2, and RV zoning districts; and to add camp as a permitted use (P) in the R-4 zoning district and as a special use with supplemental standards (SU*) in the A-1, A-2, and RV zoning districts.
- OA16-039 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 Supplemental Standards for Certain Land Uses to add supplemental standards for camp in the A-1, A-2, and RV zoning districts. Supplemental standards would allow for infilling of an existing camp by right but would require a special use permit for expansion onto land not currently used for a camp and for any new camp.

No one spoke in favor or opposition to the proposed ordinance amendments.

Mr. Getz reviewed the following proposed ordinance amendments:

- OA16-040 Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Section 17-201 Definition of Terms. Modify definition of 'Contractor's operation' to include landscapers and remove the definition 'Landscaping service.'
- OA16-042 Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), 17-607 Supplemental Standards for Certain Land Uses. Remove Landscaping service from the supplemental standards. (Landscaping service to be included under the use and standards for Contractor's operation.) Add supplemental standards for the uses 'Greenhouse' and 'Nursery.'
- OA16-044 Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Table 17-606 Land Use and Zoning Table. Remove 'Landscaping service' from the use table, add 'Greenhouse' under agricultural uses and 'Nursery' under retail uses.

No one spoke in favor or opposition to the proposed ordinance amendments.

Ms. Cooper reviewed the following proposed ordinance amendment:

- OA16-046 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 5, Overlay Districts, to adopt Sections 17-520, Rockingham County Voluntary Conservation Easement Ordinance, and all attending sub-parts of Section 17-520.

John Hutchison of the Shenandoah Valley Battlefield Foundation and Kim Sandum of the Community Alliance for Preservation spoke in favor of the proposed conservation easement ordinance.

Lisa Hawkins, Harrisonburg-Rockingham Historical Society board member, spoke in favor of the request, read a letter of support written by Penny Imeson, Executive Director of The Heritage Museum and provided a brochure highlighting the economic benefits of preserving battlefields.

At 8:05 p.m., Chairman Kyger closed the public hearing and reconvened the regular meeting to vote on the proposed rezoning request and ordinance amendments.

Regarding REZ16-018, Supervisor Chandler thanked County staff for their hard work and Sentara RMH staff for their patience. He indicated his intent to table the request to allow additional time for further discussion and review.

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 tabled REZ16-018 Sentara RMH Medical Center, 2010 Health Campus Dr., Harrisonburg, VA 22801, to rezone TM# 125-(17)- L1, L1A; 125-(A)- L121, L135, L136, totaling 238.61 acres, currently zoned General Business District (B-1) and General Agriculture District (A-2), to Planned Medical and Research District (PMR). The Comprehensive Plan identifies this area as Mixed Use. The property is located in Election District 3.

Supervisor Cuevas stated that he is supportive of establishments that benefit the community; however, given the considerable amount of land in the request, the complexity of the medical field, and the uncertainty of what shape it will take, the County needs more information. He said there are many activities and accessory uses that could be conducted within a planned medical and research district that could affect existing businesses. In his opinion, tabling the request is in the best interest of citizens and taxpayers until more information is available.

Supervisor Kyger acknowledged the difficulty in approving a master plan that does not exist. He indicated better communication will address the uncertainty and provide a clearer picture for future operations.

Rick Haushalter, Chief Operating Officer, Sentara RMH, stated that he understood and respected the Board's decision to table the request and looks forward to working with the County to provide a clearer picture and explore the provision of care for the future.

On motion by Supervisor Chandler, seconded by Supervisor Eberly and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - ABSENT; EBERLY - AYE; KYGER - AYE; the Board approved the following ordinance amendments:

**ORDINANCE ADDING A DEFINITION,
REPEALING AND RE-ENACTING CERTAIN DEFINITIONS
AND
REPEALING A DEFINITION
IN SECTION 17-201
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-201. Definitions generally, be amended by adding the following (alphabetically):

Retreat center. A building and land used for conferences, seminars, and training programs. Accommodations for sleeping, eating and recreation by participants shall be accessory and incidental to the retreat center.

That Section 17-201. Definitions generally, be amended by repealing and re-enacting the following:

Camp. Buildings and land used for organized group camping for the purposes of communal activities, such as crafts, sports, educational, and recreational activities, which are organized by a central entity. May include day camps.

Event center. A building and land, which may include on-site kitchen/catering facilities, where indoor and outdoor activities such as weddings, receptions, banquets, and other such gatherings are held by appointment.

Contractor's operation. The use of land and/or structures for businesses that contract to provide mostly off-site services, including but not limited to; construction trades, excavation, service/repair work, and landscaping. The use may include offices and indoor/outdoor storage, repair and maintenance of the business' vehicles, equipment or materials.

That Section 17-201 be amended by repealing the following definition:

Landscaping service.

This ordinance shall be effective from the 23rd day of March, 2016.

Adopted the 23rd day of March, 2016.

**ORDINANCE
ADDING THREE NEW LAND USES
AND
REPEALING A LAND USE TO
SECTION 17-607, SUPPLEMENTAL STANDARDS
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That the following three new land uses be added, alphabetically, to Section 17-607. Supplemental standards for certain land uses:

Section 17-607. Supplemental Standards for certain land uses:

Camp

In the A-1, A-2, and RV zoning districts:

- (a) If the request is for an addition within the existing camp, no special use permit shall be required. However, if the request is for an expansion of the camp onto an area of the property not currently used for a camp or onto an additional parcel, a special use permit shall be required.
- (b) Any new camp shall require a special use permit.

Greenhouse

A. In the A-1, A-2, and RV zoning districts:

1. The sales area for companion products, including garden accessories, floral supplies, and other items directly related to the culture, care, or use of horticultural products shall be limited to twenty-five (25%) of the gross sales area.
2. Companion products shall not include lawn mowers, garden tractors, farm machinery and equipment (except hand tools), building materials, furniture or other like items.
3. Hours of operation shall be between 6:00 a.m. and 9:00 p.m.

Nursery

A. In the A-1, A-2, and RV zoning districts:

1. The sales area for companion products, including garden accessories, floral supplies, and other items directly related to the culture, care, or use of horticultural products shall be limited to twenty-five (25%) of the gross sales area.
2. Companion products shall not include lawn mowers, garden tractors, farm machinery and equipment (except hand tools), building materials, furniture or other like items.
3. Hours of operation shall be between 6:00 a.m. and 9:00 p.m.

B. In the B-1 zoning district, the business may include a completely enclosed accessory facility for the production of molded concrete products.

That the following land use be repealed from Section 17-607.
Supplemental standards for certain land uses:

Landscaping service

This ordinance shall be effective from the 23rd day of March, 2016.

Adopted the 23rd day of March, 2016.

**ORDINANCE
AMENDING TABLE 17-606
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Table 17-606, Land Use and Zoning Table be and hereby is amended as follows (in alphabetical order):

Agricultural Uses

ADD Greenhouse, as a permitted use (P) in the A-1, A-2, and RV zoning districts.

Assembly Uses

ADD Camp, as a permitted use (P) in the R-4 zoning district and as a special use (SU*) with supplemental standards in the A-1, A-2, and RV zoning districts.

ADD Retreat center, as a permitted use (P) in the R-4 zoning district and as a special use (SU) in the A-1, A-2, and RV zoning districts.

Retail Uses

ADD Nursery, as a special use (SU) in A-1, A-2, and RV and as a permitted use in PG, R-4, MXU, B-1, B-2, PCD, I-1, I-2, and PID.

Service Business Uses

REMOVE Landscaping service, from the Land Use and Zoning Table.

This ordinance shall be effective from the 23rd day of March, 2016.

Adopted the 23rd day of March, 2016.

**ORDINANCE ENACTING
SECTION 17-520, 17-521, 17-522, AND 17-523
AND
ADDING DEFINITIONS TO SECTION 17-201
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-520 Battlefield Conservation Area be and hereby is enacted as follows:

Section 17-520. Battlefield Conservation Area.

That Section 17-521 Creation be and hereby is enacted as follows:

Section 17-521. Creation.

- A. If approved by the Board of Supervisors, the County may co-hold a voluntarily offered conservation easement within the Battlefield Conservation Area.

That Section 17-522 Description be and hereby is enacted as follows:

Section 17-522. Description.

- A. The Battlefield Conservation Area includes properties that are, in whole or in part, within the boundaries of the Cross Keys Battlefield Study Area or Port Republic Battlefield Study Area, as delineated in the *Cross Keys and Port Republic Battlefield Preservation Plan*, as amended.
- B. Parcels that are within the county's Urban Growth Area are excluded from the Battlefield Conservation Area.

That Section 17-523 Easement terms and conditions be and hereby is enacted as follows:

Section 17-523. Easement terms and conditions.

- A. Minimum standards. Each conservation easement accepted by the County shall conform to the requirements of the Open-Space Land Act, Code of Virginia (1950) Section 10.1-1700 *et seq.*, as amended (the Act), and any additional standards adopted by the Board of Supervisors.

B. Easement holder. The County, upon approval by the Board of Supervisors, may be a co-holder with one or more other public bodies, as defined in the Act or one or more charitable organizations authorized to hold conservation easements under the Virginia Conservation Easement Act, Code of Virginia (1950) Section 10.1-1009 *et seq.*, as amended.

That Section 17-201. Definitions generally, be amended by adding the following three definitions:

Section 17-201. Definitions generally:

Conservation easement. A nonpossessory interest of a public body in real property, whether easement appurtenant or in gross, acquired through gift, purchase, devise, or bequest imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.

Owner. An owner or owners of fee simple title to real property.

Property. For the purposes of Sec. 17-520 *et seq.*, a property is a parcel or group of parcels that are contiguous and held by a single owner (individual, family, or business entity).

This ordinance shall be effective from the 23rd day of March, 2016.

Adopted the 23rd day of March, 2016.

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RECESS.

Chairman Kyger recessed the meeting at 8:24 p.m. in order for guests to exit the room.

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CAPITAL IMPROVEMENTS PROGRAM (CIP).

Chairman Kyger opened the public hearing at 8:31 p.m. and Senior Planner May reviewed the proposed Capital Improvements Program (CIP) for FY2017-2021.

Senior Planner May explained that the proposed plan is an updated version of the CIP adopted on November 12, 2014. He pointed out that adopting the CIP does not commit the Board to any decisions or funds, but is important in order to plan for future capital expenditures. He pointed out that the plan adopted in 2014 included the construction of a new jail, noting that those funds have been shifted toward Middle River Regional Jail.

Administrator Paxton noted that several new road projects previously discussed by the Board were included in the CIP. He also emphasized that the CIP is a tool for future planning, not a program to spend money. The CIP does not commit the Board to any particular project or funding.

The complete Capital Improvements Program (CIP) FY2017 – FY2021 can be found in the “Attachments – Board of Supervisors Minutes” notebook maintained in Administration.

No one spoke regarding the proposed Capital Improvements Program (CIP).

At 8:34 p.m., Chairman Kyger closed the public hearing.

On motion by Supervisor Chandler, 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 adopted the Rockingham County Capital Improvements Program FY2017 – FY2021.

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**INTENT TO ADOPT RESOLUTION -- LANDFILL ENTRANCE PROJECT
VIRGINIA REVENUE BOND.**

Chairman Kyger opened the public hearing at 8:35 p.m. and Administrator Paxton reviewed the resolution for the landfill entrance project.

The total cost of the project is \$6.5M, with \$2.5M provided from the solid waste fund. Solid waste funds are to be used for work that will be expenses, such as the blasting of rock for the base of the road. The bond will fund the capital cost of construction, the building, road and other ancillary uses. Administrator Paxton indicated the bonds are to be issued in May, at which time the County may reimburse itself for costs incurred prior to issuance of the bonds.

No spoke in favor or in opposition to the resolution.

At 8:37 p.m., Chairman Kyger closed the public hearing.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, 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 Resolution, authorizing the issuance of bonds and authorizing the Chairman and County Administrator to sign the appropriate documents.

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD
OF AN UP TO \$4,000,000 COUNTY OF ROCKINGHAM, VIRGINIA
REVENUE BOND (LANDFILL ENTRANCE PROJECT), SERIES 2016,
AND PROVIDING THE FORM AND DETAILS THEREOF**

WHEREAS, pursuant to Title 15.2 of the Code of Virginia, 1950, as amended (the "Code"), Rockingham County, Virginia (the "County") is empowered to finance and refinance the acquisition, construction, reconstruction, renovation, enlargement, and equipping of the County's landfill and solid waste facilities related thereto (collectively, the "County Landfill") and to issue its revenue bonds to pay all or any part of the cost of the County Landfill, and to pledge the revenues thereof for the payment of such revenue bonds; and

WHEREAS, pursuant to the Code, the County is empowered to pledge for the payment of principal and interest on its bonds the revenues of its solid waste system; and

WHEREAS, the County desires to provide for the long-term financing of a portion of the capital costs to provide funds to acquire, construct, reconstruct, expand, and equip the County Landfill for continued solid waste management for the local community, including (i) a new entrance and entrance road, associated roadways and stormwater channels, container site, wheel wash, office building and allocated parking, a Citizens Convenience Center disposal site, and moving existing scales, and (ii) payment of

engineering fees and other preliminary costs and costs of issuance in connection with such undertakings by the County (all capital projects for such purposes in the County being referenced herein as the "Project"); and

WHEREAS, the Virginia Resources Authority ("VRA") has advised that the County is eligible to participate in VRA's Virginia Pooled Financing Program, Series 2016A in order to finance costs in connection with the Project; and

WHEREAS, VRA has indicated its willingness to purchase the County's revenue obligation in order to provide funds for the County in an amount equal to the maximum proceeds generated by the Bond (as hereafter defined) and its related maximum par amount (the "Requested Proceeds") to pay the costs of the Project, and to such end, VRA shall purchase the revenue obligation of the County with a portion of the proceeds of VRA's Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2016A, in one or more series (the "VRA Bonds"), in accordance with the terms of (i) a Local Bond Sale and Financing Agreement between VRA and the County (the "2016 Financing Agreement", and (ii) a Nonarbitrage Certificate and Tax Compliance Agreement between VRA and the County (the "Tax Compliance Agreement"), which documents shall be in standard forms generally required by VRA in connection with its pooled bond financing program, as briefly described at this meeting; and

WHEREAS, the Board of Supervisors of the County (the "Board") has duly held a public hearing, duly noticed, on March 23, 2016, immediately prior hereto, on the issuance and sale by the County of an up to \$4,000,000 Rockingham County, Virginia Revenue Bond (Landfill Entrance Project), Series 2016 (the "Bond") in connection with such financing of the Project, all in accordance with the requirements of Section 15.2-2606 of the Code; and

WHEREAS, the Board now desires to authorize the issuance, sale and award of the Bond in order to accomplish the Project for the essential governmental purposes of the County and for its overall benefit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

1. **Authorization of Bond and Use of Proceeds.** The Board hereby determines that it is in the best interest of the County to contract a debt and issue and sell to VRA the Bond in one or more series, for the purposes of the Project, all as described herein. Accordingly, the Board hereby authorizes the issuance and sale of the Bond in the form and upon the terms established pursuant to this Resolution (this "Authorizing Resolution").

The sale of the Bond to VRA is hereby authorized and shall be delivered to, or upon the order of, VRA, upon payment of the purchase price thereof, pursuant to the terms and conditions set forth in the 2016 Financing Agreement. The Requested Proceeds from the issuance and sale of the Bond shall be used, along with other lawfully available funds of the County to the extent appropriated therefor, if any, to provide funds to pay the costs of the Project as further described in the 2016 Financing Agreement.

2. **Sale of the Bond.** The County hereby ratifies, confirms and accepts the provisions of the VRA Term Sheet, attached hereto as **Exhibit A**, and VRA's offer to purchase the Bond at a price determined by VRA to be fair and accepted by the Chairman or Vice Chairman, or the County Administrator (whether collectively or individually, any one or more of whom may act, the "County Representative"), upon the terms established pursuant to Section 4 below and otherwise set forth in this Authorizing Resolution and the 2016 Financing Agreement.

3. **Authorization of Documentation in Connection with the Bond.** The Chairman or the Vice Chairman of the Board (either of whom may act) are each authorized and directed to execute and deliver the Bond on the County's behalf to, or at the direction of, VRA, in such form as may be required by VRA in order for the County to finance the

Project within the parameters and intent of this Authorizing Resolution. The Clerk or Deputy Clerk of the Board is authorized to affix the County's seal on such Bond, and any other documentation in connection with the Project, all as may be requested, and to attest or counter-sign the same.

Execution and delivery by the County of the 2016 Financing Agreement and the Tax Compliance Agreement, including any other documentation in connection with the Project (collectively, the "Financing Documents") are hereby approved in all respects, as may be required by VRA or otherwise advised by the County Attorney or Bond Counsel to the County. The County Representative, and such officer or officers of the County as any of them may designate, are each hereby authorized and directed to execute and deliver the Financing Documents on behalf of the County, and the Clerk or Deputy Clerk of the Board are authorized to attest or counter-sign the same and attach the County's seal thereon, with such changes as any one or more of them shall approve, as may be requested by VRA or advised by the County Attorney or Bond Counsel to the County.

4. **Details of the Bond.** The Bond shall be issued in fully registered form and shall be designated the up to "\$4,000,000 County of Rockingham, Virginia Revenue Bond (Landfill Entrance Project), Series 2016." The County Representative is authorized and directed to determine and approve all of the final details of the Bond, including without limitation, the date of issuance and the dated date of the Bond, the maximum principal amount authorized to be issued thereunder, the stated interest rate(s) therein, the payment dates and amounts and the final maturity date thereof; *provided however*, that the maximum par amount of the Bond shall not exceed the amount of \$4,000,000; (ii) the aggregate true interest cost of the Bond shall not exceed five percent (5.0%) per annum (exclusive of Supplemental Interest as defined in the 2016 Financing Agreement); (iii) the Bond shall be sold to VRA at a price not less than 98% of the principal amount of the Bond, and (iv) the final maturity date of the Bond shall not be later than October 1, 2037.

The acceptance and approval of the County Representative of such purchase price and final terms of the Bond shall be evidenced conclusively by the due execution and delivery of the Bond on the County's behalf to or at the direction of VRA. It is to be understood, therefore, that the actions of the County Representative in determining the purchase price and final terms of the Bond as described herein, shall be conclusive, and no further action shall be necessary on the part of the County.

The Bond shall be initially in the form of a single, registered typewritten bond substantially in the form attached hereto as **Exhibit B**. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. **Redemption or Prepayment.** The County may defease, redeem, prepay or refund the Bond only in accordance with the 2016 Financing Agreement or other requirements of VRA.

6. **Authorization as to Additional Documentation in Connection with the Bond.** The County Representative, and such other officers, employees and agents of the County as may be requested, are each hereby authorized and directed to take all proper steps to execute and deliver (or cause the delivery of) all such additional instruments, notices, agreements, documents and certificates in connection with the intent and purposes of the Project including but not limited, to the Tax Compliance Agreement regarding federal tax compliance requirements for the proceeds of the Bond (all as required by VRA in connection with the sale of the VRA Bonds and VRA's use of a portion thereof to purchase the Bond), all as may be requested by the County Attorney or Bond Counsel to the County, or as otherwise required by VRA, in furtherance of the purposes as set forth herein. All such further actions consistent within the terms and provisions of this Authorizing Resolution shall be conclusively deemed as having been accepted and approved as authorized by this Authorizing Resolution without any further acts or approvals.

7. **Pledge of Revenues.** The Bond shall be a revenue bond of the County for the payment of principal and interest on which the Revenues (as further described in the 2016 Financing Agreement) of the solid waste system (the “System”) shall be pledged, subject to the County’s right to apply the revenues to the payment of operation and maintenance expenses of the System. Such pledge of the Revenues shall be valid and binding from and after the date of delivery of the Bond to VRA. Further, the Revenues, as received by the County, shall immediately be subject to the lien of this pledge without any physical delivery of them or further act, and shall be valid and binding against all parties having claims of any kind against the County regardless of whether such parties have notice of such pledge. It is to be understood that the lien of this pledge shall be on parity with the lien of the pledge by the County of the Revenues of the System in connection with prior obligations and liabilities of the County, namely: (i) the County of Rockingham, Virginia R-2 Revenue Bond (County Landfill Project), Series 2007, issued by the County to VRA on June 7, 2007 in the original principal amount of \$3,015,000; and (ii) the County of Rockingham, Virginia Revenue Bond (County Landfill Methane Gas Project), Series 2009, issued by the County to VRA on June 17, 2009 in the original principal amount of \$2,280,000 (collectively, the “Prior Bonds”).

In addition, the Board hereby covenants and agrees to undertake a non-binding obligation to appropriate such amounts as may be requested from time to time, if any, in order to pay the debt service on the Bond in accordance with the provisions of the 2016 Financing Agreement. Such moral obligation pledge of the County in connection with the Bond is hereby made to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia, *provided, however*, that such pledge shall not be deemed to be a lending of the credit of the County to VRA or to any other person or otherwise deemed to be a pledge of the faith and credit or the taxing power of the County, and such pledge shall not bind or obligate the Board to appropriate funds for the purposes described herein or in the Bond.

The County also agrees to pay all amounts required by the 2016 Financing Agreement, including the “supplemental interest” and “late charges,” as provided therein and required by VRA, and reference is hereby made to such provisions for the details of the requirements therefor.

8. **Registration, Transfer and Exchange.** The Board hereby appoints the County Treasurer as its registrar and transfer agent to keep books for the registration and transfer of the Bond and to make such registrations and transfers on such books under such reasonable regulations as the County may prescribe. Upon surrender for transfer or exchange of the Bond at the office of the County Treasurer, the County shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, of a new Bond for a principal amount equal to the Bond surrendered and of the same date and tenor as the Bond surrendered, subject in each case to such reasonable regulations as the County may prescribe. If surrendered for transfer, exchange, redemption or payment, the Bond shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the County Treasurer, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. The new Bond delivered upon any transfer or exchange shall be a valid revenue obligation of the County, evidencing the same debt as the Bond surrendered and shall be entitled to all of the security and benefits of this Authorizing Resolution to the same extent as the Bond. No charge shall be made for any exchange or transfer of the Bond, but the County Treasurer may require payment by the holder of the Bond of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

9. **Essentiality Matters.** The Board hereby affirms and declares that the transactions contemplated herein constitute the financing of an essential solid waste system capital project for local government purposes, and the County anticipates that all such capital projects being financed in connection with the Project will continue to be essential to the local governmental purposes of the County and its ownership and operation, if

applicable, of the System and facilities related thereto, during and beyond the terms of the Bond.

10. **Official Statement.** The County authorizes and consents to the inclusion of information with respect to the County in VRA's Preliminary Official Statement and Official Statement, both to be prepared in connection with the sale of the Bond. The County Representative is authorized and directed to take whatever actions are necessary and/or appropriate to ensure compliance by VRA and the County, if any, with Securities and Exchange Commission Rule 15c2-12, all as may be required by the VRA in connection with the issuance of the VRA Bonds and any continuing disclosure requirements thereafter, all as set forth in the 2016 Financing Agreement.

11. **Tax Compliance Agreement.** In addition to the County Representative, the Finance Director and such officers of the County as any County Representative may designate are each hereby authorized and directed to execute the Tax Compliance Agreement or any other appropriate compliance agreements or certificates as required by VRA and its counsel, and further, as advised by the County Attorney or Bond Counsel to the County, setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "IRC"), including the provisions of Section 141 relating to "private activity bonds" and Section 148 of the IRC and applicable regulations relating to "arbitrage bonds", among others. To such end, the Board hereby covenants and agrees on behalf of the County that (i) the Requested Proceeds from the issuance and sale of the Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the covenants and representations contained therein, and (ii) the County shall comply with the provisions of the IRC so that interest on the VRA Bonds will remain excludible from gross income for Federal income tax purposes, in accordance with law.

12. **State Non-Arbitrage Program.** The Board hereby determines that it is in the best interest of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the proceeds of the Bond, as set forth in the 2016 Financing Agreement, and as may be required by VRA.

13. **Ratification of Reimbursement Resolution.** The Board hereby ratifies and confirms the adoption of that certain Reimbursement Resolution duly approved at the regular meeting of the Board on September 23, 2015 in connection with the County's financing of the Project.

14. **Filing of Authorizing Resolution.** The appropriate officers or agents of the County are each hereby authorized and directed to cause a certified copy of this Authorizing Resolution to be filed with the Circuit Court of the County, all in accordance with the Code.

15. **Further Actions; Authorized Representatives.** The County Representative, and all officers, employees and agents of the County as may be designated, are each hereby authorized and directed to take all such further action as they or any one or more of them may consider necessary or desirable in connection with the issuance of the Bond, and the execution, delivery and performance of the Financing Documents, including, without limitation, the execution and delivery of closing documents and certificates, all as may be required by VRA. All such actions previously taken in connection herewith are hereby ratified and confirmed. The persons named herein as the County Representative shall also be designated as the County's Authorized Representatives for purposes of the Financing Documents.

16. **Effective Date.** This Authorizing Resolution shall take effect immediately.

Approved: March 23, 2016

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COUNTY ADMINISTRATOR’S STAFF REPORT.

Administrator Paxton reported that there was discussion during the Finance Committee meeting regarding a revision to the County’s ordinance for tax relief for the elderly and disabled. With inflationary factors on both income and net worth, and the last revision being made in 2012, Administrator Paxton indicated the Committee felt a revision is needed. He requested approval to advertise for a public hearing at the April 13, 2016 Board meeting at East Rockingham High School.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, 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 authorized staff to advertise a public hearing to be held on April 13, 2016 at East Rockingham High School, to consider amending the ordinance for tax relief for the elderly and disabled.

In response to several questions, Commissioner Barb explained how the current exemption schedule works, and how the revisions will impact the tax benefits provided. Basically, since the range of income and range of net worth will increase, it will ease the tax burden for the elderly and disabled.

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COUNTY ATTORNEY’S STAFF REPORT.

Mr. Miller requested a closed meeting after staff reports for legal briefing, and asked Commissioner Barb to attend.

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DEPUTY COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Deputy Administrator King’s staff report dated March 17, 2016.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Finance Director Davidson’s staff report dated March 23, 2016.

On motion by Supervisor Cuevas, 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 declared the following items surplus to be disposed of through the public surplus auction website:

Items to Declare Surplus – March 2016

Description	Quantity
Small Desk	1
Desk Chair with tall back	1

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Hertzler’s staff report dated March 23, 2016.

Mr. Hertzler reported that the Court House Step Renovation is complete and he announced that County clean-up days at the landfill are April 14 and 15.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated March 23, 2016.

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COMMITTEE REPORTS.

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

FINANCE

Supervisor Cuevas referred to Deputy Administrator King's Building and Grounds Committee report regarding Circuit Court, Courtroom B. With the additional Circuit Court Judge assigned to the County and City last year, use of the courtrooms shifted. To accommodate the increased use, reconfiguration of walls and desks, floor repair and electrical work are necessary. Staff requested a supplemental appropriation of \$21,000 for the work.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, 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 a supplemental appropriation in the amount of \$21,000 to complete work in Circuit Court, Courtroom B.

Supplemental Appropriation: \$21,000

\$21,000 GL Code: 1001-04304-00000-000-508305-000 Site Improvements
\$21,000 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

On behalf of the Finance Committee, on motion by Supervisor Cuevas, 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 enter into a contract not to exceed \$30,000 with a consulting firm to study fundraising feasibility for the Albert Long Park.

On behalf of the Finance Committee, on motion by Supervisor Chandler, 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 approved the following supplemental appropriations:

GENERAL FUND

Transfer to Social Services for Future Capital Projects

A supplemental appropriation in the amount of \$128,804 for a transfer of funds from the General Fund to the Social Services Fund for future capital projects. The Family Services building was completed at the end of fiscal year 2015 and is being depreciated over a 20 year life. In order to receive reimbursement from the State for the State's share of the Family Services building acquisition and renovation depreciation costs, Social Services pays monthly rent to the General Fund. Upon receipt of the rent payments, the General

Fund will refund the Social Services Fund and a reserve account for future capital projects will be established within the Social Services Fund. The rent amount is \$10,733.67 per month or \$128,804.04 per year. Funding for this supplemental will be provided by the rent paid by Social Services.

Supplemental Appropriation: \$128,804

\$128,804	GL Code: 1001-09301-00000-000-509530-000	Transfer to Social Services for Future Capital Projects
4		
\$128,804	GL Code: 1001-00000-11502-000-313300-000	Rental of Property
4		

SOCIAL SERVICES FUND

Family Services Building Rent

A supplemental appropriation in the amount of \$128,804 is requested for rental costs associated with the Family Services building which was completed at the end of fiscal year 2015 and is being depreciated over a 20 year life. In order to receive reimbursement from the State for the State’s share of the Family Services building acquisition and renovation depreciation costs, Social Services pays monthly rent to the General Fund. Upon receipt of the rent payments, the General Fund will refund the Social Services Fund and a reserve account for future capital projects will be established within the Social Services Fund. The rent amount is \$10,733.67 per month or \$128,804.04 per year. Funding for this supplemental will be provided by a transfer from the General Fund.

Supplemental Appropriation: \$128,804

\$128,804	GL Code: 1220-05301-10300-000-505402-000	Rental of Buildings
4		
\$128,804	GL Code: 1220-00000-15101-000-351001-000	Transfer from General Fund for Future Capital Projects
4		

VACo LIAISON

Chairman Kyger indicated the Board should prepare a resolution for VACo Executive Director, Jim Campbell, as he recently announced his retirement.

OTHER

Administrator Paxton reminded staff that a budget work session is scheduled for Tuesday, March 28 at 7 a.m. in the Board conference room. Media will be notified.

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CLOSED MEETING.

On motion by Supervisor Chandler, 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 recessed the meeting from 9:02 p.m. to 9:31 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: 16-6
 SECOND: SUPERVISOR BREEDEN MEETING DATE: MARCH 23, 2016

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 Kyger declared the meeting adjourned at 9:31 p.m.

_____,
Chairman