



## VRMCA Exhibits at 76th Annual Virginia Association of Soil and Water Conservation District Conference

By Hessam Nabavi and Bob Nablo, Directors of Industry Services

Over 400 representatives from 47 Virginia Soil and Water Conservation Districts, the Virginia Department of Environmental Quality (DEQ), the Virginia Department of Conservation and Recreation (DCR), farmers, soil and water conservation practitioners and cabinet members converged at the 76th Annual Virginia Association of Soil and Water Conservation District Conference, December 7-9, 2014 at the Hotel Roanoke Conference Center in Roanoke. Complementing the conference, nearly 30 diverse exhibitors were also present providing the conservation professionals with information and insight into the latest trends, tools, products and technologies regarding soil and water conservation and water quality. VRMCA Industry Services Directors Bob Nablo & Hessam Nabavi represented the ready-mixed concrete industry, exhibiting pervious concrete. This 3 day conference's objective was to promote leadership in the conservation of natural resources through stewardship and education.

To quote conference literature, "Soil and Water Conservation Districts (SWCDs) were established in the 1930s to develop comprehensive programs and plans to conserve soil resources, control



and prevent soil erosion, prevent floods and conserve, develop, utilize and dispose water. Today, forty-seven districts serve as local resources for citizens in nearly all Virginia localities".

One of the major highlights of the event was Governor Terry McAuliffe's speech at the award luncheon. Part of his remarks, prior to presenting the Clean Water Farm Awards and RMP Implementation Award were as follows: "Our 47 conservation districts are on the ground in every single county working directly with farmers and land owners to protect water quality and soil resources. You are working hard every day to educate the next generation of con-

servationists, building a new economy that is diversified, resilient and able to provide employment to our citizens and help us less rely on Congress and federal

*continued on page 3*



SAVE THE DATE  
**2015**  
Virginia Ready-Mixed Concrete Association  
**SPRING CONVENTION**  
**May 17-19, 2015**  
The Greenbrier  
White Sulphur Springs, West Virginia

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**Jay McNeely**  
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Eagle Corporation  
Charlottesville, VA  
Phone: (434) 971-2686  
pjm@eagle-corp.com

### BLUE RIDGE

**Buddy Murtaugh Jr.**  
Chairman  
Rockingham Redi-Mix  
Harrisonburg, VA  
Phone: (540) 433-9128  
buddy.murtaugh@conmatgroup.com

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Superior Concrete  
Harrisonburg, VA  
Phone: (540) 433-2482  
sboshart@superiorconcreteinc.com

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Chairman  
Titan Virginia Ready-Mix  
Norfolk, VA  
Phone: (757) 533-7130  
bnelson@titanamerica.com

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Secretary/Treasurer  
Essroc  
Chesapeake, VA  
Phone: (757) 647-9409  
edward.flemming@essroc.com

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**Dave Snider**  
Chairman  
Vulcan Materials Company  
Springfield, VA  
Phone: (703) 354-7100  
sniderd@vmcmail.com

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Secretary/Treasurer  
Lehigh Cement  
Stone Ridge, VA  
Phone: (703) 618-0735  
mgranahan@lehighcement.com

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Phone: (804) 751-2666  
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Phone: (540) 777-7623  
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Phone: (540) 382-1734  
george.kuhn@chandlerconcrete.com



Clockwise from left to right:  
Ann-Germaine Danz, Hessam  
Nabavi, Bob Nablo and  
George Boykin.

## Happy New Year from Your VRMCA Staff

We would like to wish you a safe and happy holiday season  
and prosperous New Year.



**Exhibit** *continued from page 1*

government.. Agriculture and foresting are a big part of that new economy. It is the biggest industry that we have, with a combined annual economic impact of more than 70 Billion Dollars, but it needs to be sustainable. We need to make sure that our producers are using the most up to date conservation practices to ensure our future generation has the same opportunities that we do. The good news is the science of water quality management is improving. With the new practices and technologies that are available to us today, we will be able to restore and to preserve our rivers. I especially want to talk about the Chesapeake Bay, which is our national treasure. For centuries it has been the foundation of a thriving seafood industry, a robust tourism and an incredibly intricate Ecosystem totaling more than 100 billion dollars of economic activities. When we have a productive asset like the Chesapeake Bay we have to do everything to preserve and to protect it. We are committed to hit our major 2017 goals for Bay restoration, and you, the directors of the districts, are on the front line making that happen. You are the ones that are going house to house, farm to farm spreading the word. We are grateful for what you do. I am grateful because clean water, healthy watersheds, thriving habitats and a healthy Ecosystem make our counties, cities and towns more livable and more attractive to perspective employers. The conservation practices that you are promoting help our farmers' bottom line and improve the efficiency of their agriculture operation as well as forestry, tourism, commercial, recreational, fishing and hunting. This means real jobs and real economic activities. You are the critical link to protect and restore the water shed in Virginia".

Governor McAuliffe then presented 10 farmers with 2014 Virginia Grand Basin Clean Water Farm Awards for implementing practices to protect water quality. The governor also recognized the first Virginians to implement an agricultural resource management plan under a newly created program.

"I applaud these farmers and farm



owners for doing what's right for their businesses and what's right for our natural resources," Governor McAuliffe said. "They have chosen to take important steps toward protecting water quality across the Commonwealth. Winners of the Virginia Grand Basin Clean Water Farm Award stand out because of their exemplary implementation of conservation practices that, in many cases, also improve their financial bottom line. They truly are role models for producers across the state." The Governor wrapped up by saying: "Resource management plans are a key part of Virginia's strategy to clean up rivers, streams and the Chesapeake Bay."

The Grand Basin Clean Water Farm Award recognizes farm owners and operators who have adopted and imple-

mented innovative conservation tools, technologies and practices that reduce the amount of runoff pollution entering local waters. Each recipient was nominated for the award by their local Soil and Water Conservation District. One winner is selected from each of Virginia's 10 major river drainage basins.

Nabavi and Nablo spent two days talking with interested conference attendees and handing out literature on pervious concrete. Farm owners and operators, as well as soil and water conservation professionals, have a special interest in eliminating erosion, protecting the aquifer and making the best use of water resources.

This annual conference will be held next year in Richmond. 🚚



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Please periodically check our website for class availability at [www.vrmca.com](http://www.vrmca.com).

Roanoke	January 13, 14 & 15
Virginia Beach	January 27, 28 & 29
Richmond	<del>February 10, 11 &amp; 12</del> <b>FULL</b>
Harrisonburg	February 24, 25 & 26
Fredericksburg	March 2, 3 & 4
Roanoke	March 24, 25 & 26
Virginia Beach	April 7, 8 & 9
Warrenton	April 21, 22 & 23
Richmond	April 28, 29 & 30
Bristol	May 12, 13 & 14
Harrisonburg	June 9, 10 & 11
Virginia Beach	June 23, 24 & 25
Warrenton	July 14, 15 & 16
Roanoke	July 21, 22 & 23
Richmond	August 18, 19 & 20
Fredericksburg	September 1, 2 & 3
Roanoke	September 22, 23 & 24
Bristol	October 6, 7 & 8
Richmond	October 27, 28 & 29
Warrenton	November 17, 18 & 19
Harrisonburg	December 1, 2 & 3

**Schedule your class soon. Classes fill quickly!**

*Notice: If you have a disability and need assistance to participate in the training or to take the examination, contact VRMCA headquarters at least two weeks prior to the course date.*

Register online or complete a registration form for each attendee and mail with your check to:

**VRMCA**  
250 West Main Street, Suite 100  
Charlottesville, VA 22902

Company \_\_\_\_\_

Attendee's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Fax \_\_\_\_\_

Attendee's Email \_\_\_\_\_

Seminar Date \_\_\_\_\_

Seminar Location \_\_\_\_\_

## COURSE REGISTRATION

Course fee includes 2-day course, ACI workbook, *PCA Design & Control* and examination. Materials will be provided when you arrive for class. This registration is valid for the 2014 classes only. No refunds or credits will be given after December 15, 2015.

- \$525 per person for non-members
- \$465 per person for VDOT
- \$350 per person for VRMCA members

**Exam Retest**—for individuals who have previously taken the ACI class through VRMCA  
You must retest within one year of your original test date.

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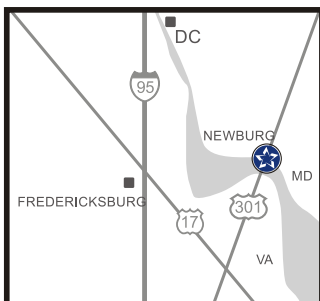
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## NVCAC Holiday Luncheon Hosts Jerry Reece

By Hessam Nabavi,  
Director of Industry Services

A combined Holiday Luncheon and our quarterly meeting this year was held on Thursday, December 11th at the Bull Run Golf Club in Haymarket. We have also invited Jerry Reece, Vice President of American Concrete Pavement Association, Mid-Atlantic Chapter to give "An Overview of Concrete Pavement Market-Share in Mid-Atlantic area and to Provide a Potential Plan to Improve our Position". Nearly thirty of NVCAC members were present and gathered to celebrate. We were very pleased and appreciative to have VRMCA President, Jay McNeely with Eagle Corporation to participate in our Holiday Luncheon. A beautiful fire was on display in the stone fireplace, and cheerful music was playing in the background. As the lunch was being served, NVCAC Chairman Dave Snider with Vulcan Materials thanked everyone for participating and support-



ing the council. He then introduced Jerry and invited him to give his comments.

Jerry worked as a Construction Project Manager & Executive for 25 years. He also worked for North Carolina ACPA State Director for 5 years. He has

managed over \$1-Billion of construction projects throughout the SE United States. He has operational experience in quarries, asphalt and concrete (including ready mix). Jerry has received his Bachelors of Science in Engineering from the

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University of Tennessee-Chattanooga. He has ACI and State agency concrete certifications in 5 states. He has co-authored "NCDOT Pavement Selection Using LCCA – an Industry Perspective" and has presented at TRB -Washington, DC and Int'l Concrete Pavement Symposium – Montreal, CA.

In his talk he commented that Mid-Atlantic region is a land of "haves" and "have nots". VA & MD are "haves" but WV and DE are "have nots". The poorest states in the region have more concrete and they are practicing more rehab strategies of concrete. Virginia has been the toughest of all the states in specifying concrete. Many reasons may contribute to this. There are too many over-used, under- designed, poorly constructed and dilapidated pavements in Virginia. Many of them have past the repair stage requiring overlay or reconstruction. Public perception is weak for the most part. Most concrete pavements are 30 to 40 years old, and they are in poor shape. VDOT is claiming that they do not have money to reconstruct the deteriorated pavements and they are also unwilling to consider concrete overlays.

To move forward, Jerry suggests



the following:

- Become more project focused. Ask for business.
- ACPA will focus on the district level interaction on the central and materials offices.
- Biggest opportunities are not at the interstate level, but at the lower tiers.

He also recommends the following action items:

- We must have more experienced contractors to do the work.
- We must have better performance

and cost data for VDOT to use for cost comparison between pavement types.

- We must have more focus on the cities that maintain their own roadways.
- We must get the partnering committee engaged.
- We must have a rock-solid, cohesive, consolidated, statewide, industry approach to advance our market share within the state. This will require better collaboration between VRMCA, ACPA and our legislative efforts.
- We must change the attitude of VDOT at the Executive Management level.
- We must become more engaged at the district level.

After Jerry's talk, Dave made some remarks about the goals, activities and success of the Executive Council. Hessay wrapped up the event by giving his report about his activities and various paving/ building projects. He ended his comments by praising the EC members and thanking all the members for their continuous support. 🚚

## New SWCAC Chairman Takes Reins



As of the January 2015 Council meeting Sam Woolwine of Boxley will step down as Southwest Virginia Council chairman and Bret Queen, General Manager of Chandler Concrete of Virginia, will assume the responsibilities. The SWVA Council has been very successful under the leadership of Sam Woolwine, with several well-attended public seminars, many internal educational presentations and an expanded ACI certification program to his credit. Sam had the misfortune to inherit very poor construction industry economic conditions (as had his predecessors Robert O'Brian and Frank Caldwell), but he would probably say that the best thing the Council has done under his direction is to renew the annual SW Council golf outing, which continues to raise enough funds for the Council to sponsor seminars, demonstrations and classes during the rest of the year. Bret Queen takes the reins with quite a few challenges facing him. Meeting attendance has been improving, and that trend needs to continue. Bret would like to see the Council attract new members and increase participation by those who already attend our various events. His first order of business may well be to organize and hold an NRMCA-approved Pervious Concrete Certification Class ... an event that has lapsed over the years as contractors felt the financial pinch. Members are also hoping that Bret's next two years will see a stronger residential construction market and that we can get back some of the basic concrete work that has disappeared. Thanks to Sam Woolwine for a job well done, and congratulations to Bret Queen! We'll all be working with you! 🚚



# New Test for Compensable Time Under the FLSA

Employers have long been plagued by the constantly changing landscape in the wage and hour arena. In addition to properly categorizing employees as either exempt or non-exempt, employers must also determine which activities that an employee engages in either before or after “work” are compensable under the law. With often mandatory attorneys’ fees and escalating liquidated damages, failing to properly record and compensate employees for “all time worked” can result in immense liability for an employer. On December 9, 2014, the United States Supreme Court issued a unanimous decision, *Integrity Staffing Solutions, Inc. v. Busk*, that helps refine the often gray area of compensable vs. non-compensable time.

In 1938, Congress passed the Fair Labor Standards Act (“FLSA”), which established the forty-hour work week, a national minimum wage, guaranteed “time-and-a-half” for overtime in certain jobs, and prohibited most child labor. In 1947, Congress passed the Portal-to-Portal Act in response to the Supreme Court case *Anderson v. Mt. Clemens Pottery Co.*, which interpreted the FLSA so broadly that nearly all time that an employee spent on the employer’s premises was compensable. For the last several years, federal courts have consistently interpreted and enforced the Portal-to-Portal Act, which exempts employers from FLSA liability for claims based on activities which are preliminary to or postliminary to the performance of an employee’s “principal activities.”

The Supreme Court had previously interpreted “principal activities” to include activities that are an “integral and indispensable part of the principal activities.” For many years courts looked at a variety of factors in an attempt to determine which activities were indeed “integral and indispensable.” For example, courts often analyzed whether the activity was required by the employer, whether the activity was necessary for the employee to perform his or her assigned duties, and whether the activity in fact benefited the employer. As a result, for many years employers were advised that if the activ-

ity primarily benefited the employer or if the employer required the employee to engage in the activity, the activity was a “principal” employment activity and thus compensable under the FLSA. Such interpretation gave rise to a series of class action lawsuits that sought payment for time spent in security screenings and mandatory employer-held meetings that occurred after employees “clocked out” for the day.


In *Integrity Staffing Solutions*, plaintiffs were required to pass through a security screening station at the end of their shift. While the process was relatively minor and non-intrusive in theory – it merely required employees to empty their pockets and walk through a metal detector – the plaintiffs alleged that in practice the stations were severely understaffed and thus resulted in wait times of up to twenty-five (25) minutes for each employee. The plaintiffs alleged that this “wait time” benefited the employer, as it was designed to prevent theft and lost profits, and thus was compensable time.

In its decision, the Supreme Court provided employers with a simple and straightforward test for differentiating between compensable and non-compensable time. The Court clarified that an activity is “integral and indispensable to the principal activities that an employee is employed to perform if it is an intrinsic element of those activities and one with which the employee cannot dispense if he is to perform his principal activities.” In applying this test, the Supreme Court clarified that the critical question is not whether the activity benefits the employer, but rather whether the employee can perform the essential and required elements of his or her job without engaging in the preliminary or postliminary activity. Thus, under this test, if the employee can in fact perform the essential elements of the job without engaging in such activity, the time spent engaging in the preliminary or postliminary activity is non-compensable.

The Court unanimously held that the security screening was a non-compensable postliminary activity, specifically noting that the “wait time” was not indispen-

sible to the plaintiffs’ job as the plaintiffs’ were not employed to undergo security screenings, but rather were employed to fill warehouse orders and prepare items for shipment. Most importantly for employers, the Supreme Court clarified that mere fact that an employer requires the employee to engage in an activity is not enough, on its own, for the activity to be compensable. Thus, even though the employer required employees to participate in the screening and the employer directly benefited from the screening, the activity was not “indispensable” to the employees principal activities and thus was non-compensable.

The Court also provided helpful examples of various activities that would serve as a compensable. For example, the Court noted that time battery-plant employees spent showering and changing clothes due to their exposure to toxic chemicals, and where the employer conceded that such activities were indispensable to the job, would be compensable. The Court reasoned that the time spent changing into protective clothing was “indispensable” because the employee could not perform the essential elements of his or her job without the protective clothing due to the exposure to toxic chemicals. However, the Court concluded that time spent waiting to put on clothes and/or shower would be non-compensable because it was “two steps” removed from the principal activity.

What does this mean for employers in Virginia? Under the newly articulated standard, the mere fact that an activity “benefits” the employer is no longer enough to move that activity into the compensable time category. The more specific requirement that the activity be related and “indispensable” to the employee’s job duties and performance should prevent employees from claiming a wide variety of preliminary and postliminary activities as compensable time. Employers should review their time keeping policies to ensure compliance. 

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*Article courtesy of John G. Kruchko, and B. Patrice Clair of FordHarrison LLP.*

John G. Kruchko is a Partner with the Management Labor and Employment Law Firm of FordHarrison, LLP, in Tysons Corner, Virginia; B. Patrice Clair is a Senior Associate in the firm’s Washington, D.C. office. For more information please contact Mr. Kruchko at (703) 734-0554 or Ms. Clair at (202) 719-2055 or by e-mail at [jkruchko@fordharrison.com](mailto:jkruchko@fordharrison.com) or [pclair@fordharrison.com](mailto:pclair@fordharrison.com). This article is published for general information purposes and does not constitute legal advice.



## Need for Resilient Construction Highlighted by Lawmakers

Using their own experience from dealing with natural disasters in their home state, Representatives Daniel Webster (R-10) and Mario Diaz-Balart (R-25) of Florida called for resilient construction and design to be utilized throughout the country.

During a forum with the Portland Cement Association and the National Ready Mix Concrete Association, both representatives pointed to reductions in insurance costs that could be obtained by homeowners for utilizing resilient construction techniques. These techniques would allow for a community to minimize costs after a disaster, and residents to quickly move back to their daily lives. Recently, Rep. Diaz-Balart introduced legislation that would provide a tax credit to homeowners and business owners with property that implement fortified structures that are better capable to handle disasters.

When a natural disaster strikes taxpayer dollars are utilized to rebuild communities. After Superstorm Sandy, Congress authorized \$9.7 billion to cover insurance claims filed by residents affected by the wide rang-



ing damage of the storm. The disruption also inhibits businesses from their normal profits from goods or services, and potentially destroy vital infrastructure needs.

Communities built to last start with comprehensive planning, including stricter building codes that produce robust structures with long service lives. Studies show that for every dollars used for mitigation results in \$4 savings after a disaster. More durable buildings with high-performance features including better disaster resistance, help promote community continuity, making cities and towns stronger, and better able to successfully weather any challenge. 🚧

### PCA Forecast Sees Continued Growth for U.S. Cement Industry

Despite a late start to the construction season and weaker than expected housing start numbers, a recently released report from the Portland Cement Association (PCA) shows that cement consumption in the United States will meet 2014 forecast expectations. PCA's cement forecast remains essentially unchanged since the September 2014 forecast. "The United States' cement market is expected to grow 8.2 percent in 2014, followed by similar rates of growth in 2015 and 2016," said PCA Chief Economist and Group Vice President Edward Sullivan. "However, minor adjustments have been made regarding the construction sub-sectors. Housing starts, for example, have been trimmed slightly compared to forecasts released earlier in 2014." While single-family housing starts are not reaching projected levels, the report indicates a new emphasis on multifamily starts. Demographic trends and the still strict mortgage standards are pushing more potential homebuyers into rental units. Additionally, the oil price environment has changed significantly since the summer and these new impacts have been integrated into the forecast projections for the paving sector. Going forward, Sullivan noted that the underlying economic fundamentals are strengthening and are reflected in the labor market. Sustained gains in monthly job creation, stronger state and local tax receipts, more favorable return on investments for commercial building and stronger household formation can lead to stronger construction spending in 2015. 🚧

### On the Horizon Calendar of Upcoming Events

**JANUARY 5, 2015**

**NVCAC Leadership Meeting**

11:00 AM - 1:30 PM

Location TBD

**JANUARY 5, 2015**

**Reinvent Hampton Roads:  
Sales & Selling Skills**

6:00 PM - 8:00 PM

Hampton, VA

**JANUARY 5, 2015**

**City of Alexandria,  
Environmental Policy  
Commission Meet**

7:30 PM - 9:00 PM

City Hall, Alexandria

**JANUARY 7, 2015**

**City of Alexandria, Old &  
Historic District Hearing**

7:30 PM - 9:30 PM

City Hall, Alexandria

**JANUARY 8, 2015**

**NVCAC Council Meeting**

11:30 AM - 2:00 PM

Bob O's Restaurant

Chantilly, VA

**JANUARY 8, 2015**

**Greater Richmond Chamber  
Legislative Reception**

5:30 PM - 7:30 PM

United Network for Organ Sharing  
Richmond, VA

**JANUARY 14, 2015**

**Loudon County Board of  
Supervisors Transportation &  
Land Use**

3:30 PM - 6:30 PM

LC Government Center

**MAY 17-19, 2015**

**VRMCA Spring Convention**

The Greenbrier

White Sulphur Springs, WV

Please visit the online calendar  
for an up-to-date list of events.  
[www.VRMCA.com/calendar](http://www.VRMCA.com/calendar)



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