

January 13, 2016

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 13, 2016, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
FREDERICK E. EBERLY, Election District #2  
RICKY L. CHANDLER, Election District #3  
WILLIAM B. KYGER, JR., Election District #4

MICHAEL A. BREEDEN, Election District #5 was absent

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  
ANN MARIE FREEMAN, Director of Court Services  
BARRY E. HERTZLER, Director of Public Works  
JEREMY C. HOLLOWAY, Fire & Rescue Chief  
KATHARINE S. McQUAIN, Director of Parks and Recreation  
JENNIFER J. MONGOLD, Director of Human Resources  
TERRI M. PERRY, Director of Technology  
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  
JOSHUA W. DUNLAP, Assistant Residency Administrator  
Virginia Department of Transportation

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**CALL TO ORDER**

Administrator Paxton called the meeting to order at 3:05 p.m.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Eberly seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of December 9, 2015.

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**2016 REORGANIZATION OF THE BOARD.**

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN.**

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER – AYE; the Board elected William B. Kyger, Jr. as Chairman for 2016.

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On motion by Supervisor Eberly seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS – AYE; EBERLY – AYE; KYGER - AYE; the Board elected Ricky L. Chandler as Vice-Chairman for 2016.

Administrator Paxton turned the meeting over to Chairman Kyger.

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**INVOCATION  
PLEDGE OF ALLEGIANCE.**

Supervisor Chandler gave the Invocation and Assistant County Administrator Anas led the Pledge of Allegiance.

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Chairman Kyger noted that Supervisor Breeden would not be present due to a gravely ill family member. He asked the Board and staff to keep Supervisor Breeden and his family in their thoughts and prayers.

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**SETTING OF DAY AND TIME OF REGULAR MEETINGS.**

Administrator Paxton reviewed a motion prepared to establish the day and time of regular meetings in 2016. He pointed out that there is only one meeting during the months of May, November and December.

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board set the 2016 meeting schedule as follows: beginning with this meeting held on January 13, 2016, and each second Wednesday thereafter, the first meeting of the month shall commence at 3:00 p.m. and beginning January 27, 2016, and each fourth Wednesday of each month thereafter, the second meeting of the month shall commence at 6:00 p.m., with the following exceptions: the first meeting in April, on April 13, 2016, which will include a public hearing on the proposed budget for FY 2016-17, will be held at East Rockingham High School and will begin at 2:00 p.m. In addition, there will be only one meeting held in May on May 18, 2016 at 3:00 p.m.; in November on November 16, 2016, at 3:00 p.m.; and, in December on December 14, 2016 at 3:00 p.m.

With regard to meetings delayed due to inclement weather, if a meeting cannot be held due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held at the scheduled time on the following Wednesday, unless otherwise determined by the Board.

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**REVIEW OF COMMITTEE ASSIGNMENTS.**

The Board received the following draft of the 2016 Chairman's Committee appointments:

**BOARD OF SUPERVISORS  
2016 Chairman's Committee Appointments**

**BOARD COMMITTEES:**

**BUILDINGS AND GROUNDS**  
Frederick Eberly  
Rick Chandler

**FINANCE**  
Michael Breeden  
Pablo Cuevas

**PUBLIC WORKS**

Pablo Cuevas  
Michael Breeden

**PERSONNEL-RELATED (Ad Hoc)**

Chairman  
Vice-Chairman

**AUTOMOBILE**

William Kyger  
Rick Chandler

**LIAISON COMMITTEES:**

**CITY-COUNTY LIAISON**

Pablo Cuevas  
William Kyger

**AUGUSTA/ROCKINGHAM  
LIAISON COMMITTEE**

William Kyger  
Rick Chandler

**SCHOOL BOARD LIAISON**

Pablo Cuevas  
Frederick Eberly

**TOWNS/COUNTY LIAISON**

Chairman  
Town's Board Member

**OTHER COMMITTEES:**

**CENTRAL SHENANDOAH PLANNING  
DISTRICT COMMISSION**

Rick Chandler  
Casey Armstrong

**TECHNOLOGY COMMITTEE**

Frederick Eberly  
Rick Chandler

**SOCIAL SERVICES  
ADVISORY BOARD**

Michael Breeden

**REGIONAL JAIL COMMITTEE**

Frederick Eberly  
Pablo Cuevas

**CHAMBER OF COMMERCE**

Frederick Eberly

**MASSANUTTEN REGIONAL LIBRARY**

Rick Chandler

**COMMUNITY CRIMINAL  
JUSTICE BOARD**

Pablo Cuevas  
County Administrator

**RELATED LANDS (Federal)**

Michael Breeden  
Rhonda Cooper

**VACO BOARD**

William Kyger

**WORK FORCE INVESTMENT BOARD**

George Anas  
Michele Bridges, alternate

**METROPOLITAN PLANNING ORGANIZATION**

Rick Chandler  
William Kyger  
Joseph Paxton  
Frederick Eberly, Alternate  
Stephen King, Alternate  
Casey Armstrong, Alternate

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Chairman Kyger pointed out that with Administrator Paxton's retirement approaching and with the recent retirement of former Finance Director Allmendinger, he did not make changes to the most critical committees in order to provide stability.

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**RECESS.**

At 3:13 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Countryside Sanitary District.

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**RECESS.**

At 3:15 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Lilly Subdivision Sanitary District.

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**RECESS.**

At 3:16 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Penn Laird Sewer Authority.

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**RECESS.**

At 3:17 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Smith Creek Water and Waste Authority.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department. He highlighted the following:

1. Work began on the Valley Pike (Route 11) bridge project;
2. A preconstruction conference will be held on January 26, 2016 regarding the installation of turn lanes at the intersection of East Side Highway (Route 340) and Port Republic Road (Route 253);

3. He provided an update regarding an upcoming project on Massanetta Springs Road (Route 687), noting that work should begin during the summer of 2016;
4. VDOT staff are actively working with the Town of Elkton on the transportation mobility study; and,
5. Recent maintenance has included cutting brush and ensuring staff are prepared in the event of bad weather.

Supervisor Cuevas indicated that Overly Hollow (Route 823) is not wide enough near Gerald Dove's property, noting that there is a steep drop off.

In response to Supervisor Eberly, Mr. Komara reported that staff are working hard to maintain smooth dirt roads.

Chairman Kyger pointed out that the edge of the pavement on the County side of Dinkel Avenue (Route 257) is starting to deteriorate. He suggested patching the crumbled areas for the winter, and laying asphalt in the Spring.

Chairman Kyger mentioned that the Town of Bridgewater approved a speed limit reduction from 35 miles per hour to 29 miles per hour on Dinkel Avenue (Route 257), which bisects the campus of Bridgewater College. He indicated Bridgewater College students requested the speed reduction to improve safety on campus. Chairman Kyger mentioned reducing the number of crosswalks and increasing the lighting at each crosswalk may be a good solution as well.

Supervisor Cuevas reminded Mr. Komara of the County's request for a traffic signal on Spotswood Trail (Route 33) at the Albert Long Park entrance.

Chairman Kyger noted that a business owner contacted him regarding upcoming repair to the bridge in the City on Pleasant Valley Road (Route 679) near Massanutten Technical Center. He said there are concerns that the work will cause disruption to the industrial access of heavy trucks from I-81 entering the Pleasant Valley Industrial Park. The business owner suggested a traffic signal at the intersection of Cecil Wampler Road (Route 704) and South Valley Pike (Route 11). As this is a City project, Chairman Kyger asked Mr. Komara to discuss the issue with the City.

County Attorney Miller informed the Board of staff's intent to request abandonment of Steel Drive, an old easement that is no longer in use. He explained that when considering abandonments, State Code requires the County to post three signs by the roadway for thirty days. Mr. Miller indicated the request will come before the Board on February 10, 2016 at 6 p.m. He pointed out that staff discussed the issue with neighbors in

the vicinity, who have no problem with the request. Chairman Kyger acknowledged staff's request to move forward with the advertisement and notify the public.

*(A sketch is attached to and made a part of these minutes)*

Supervisor Chandler received notice that Barrington and Lakewood subdivisions have been working with the Sheriff's Department and VDOT to address excessive speed concerns. The neighborhoods requested an additional fine of \$200 for speeding violations. Mr. Komara indicated he received signed petitions. Administrator Paxton explained that in order to move forward with the request, the Board would need to direct VDOT to conduct a formal speed study on the streets in question and provide the data for the Board's review and recommendation.

Chairman Kyger directed VDOT to move forward with the speed study in the Barrington and Lakewood subdivisions and provide a recommendation to the Board.

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#### **COUNTY ADMINISTRATOR'S STAFF REPORT.**

Administrator Paxton welcomed Ellen Harrison, Executive Director of the Harrisonburg-Rockingham Community Services Board. Ms. Harrison was present to support the County submission for NACo's "Stepping Up to Reduce the Number of People with Mental Illness in Jails" program to be presented by Ms. Freeman later in the meeting. Administrator Paxton pointed out that Ms. Harrison has been at the forefront of addressing mental health issues in the City and County and how those issues affect the Jail.

Administrator Paxton welcomed new Finance Director Patricia Davidson to her first official Board meeting. He indicated that with the retirement of Mr. Allmendinger, Board action is necessary to appoint Mrs. Davidson as the County's Purchasing Agent, along with several other appointments.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board:

1. Appointed Patricia D. Davidson to fill the following appointments:
  - a. Purchasing Agent (for the County);
  - b. Member - Middle River Regional Jail;
  - c. Alternate for Stephen G. King - Community Policy and Management Team, and;
2. Appointed Assistant County Administrator George K. Anas, II to serve as staff to the Economic Development Authority, and County Attorney Thomas H. Miller, Jr. as counsel to the Economic Development Authority.

Administrator Paxton pointed out that the appointments of Mr. Anas and Mr. Miller to the Economic Development Authority will save the County in auditing and legal fees. He noted the County will continue to use BotkinRose PLC for bond counsel work.

Additionally, Mr. Paxton mentioned a number of position-specific appointments to be recognized by the Board.

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER – AYE; the Board authorized the following position-specific appointments:

- 1) Joseph Suters – Member - Alcohol Safety Action Program
- 2) Ellen Harrison – Member - Community Criminal Justice Board
- 3) Ellen Harrison – Member - Community Policy and Management Team

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson’s staff report dated January 13, 2016.

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

The Board received and reviewed Mr. Hertzler’s staff report dated January 13, 2016.

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

The Board received and reviewed Mr. Armstrong’s staff report dated January 13, 2016.

Community Development Director Armstrong brought attention to the draft Voluntary Conservation Easement Ordinance in his staff report and indicated that the County has been asked to consider co-holding conservation easements.

Ms. Cooper provided a presentation listing the following characteristics of conservation easements for the Board’s consideration:

1. Everyone cares about the physical environment and intelligently maintaining our shared natural resources. Everyone wants good things for our grandchildren to inherit. Different people offer different ideas about how to accomplish these goals.
2. Conservation easements are one of these ideas. They are a legal device by which a property owner limits permissible land uses on his property and conveys to a third party the power to enforce the limitations.
3. Typically, the list of permissible land uses is very restrictive. In general terms, the land is to be used only for “agricultural”, forest or open-space uses. Even the construction of a residential structure will be regulated.
4. In exchange for placing a conservation easement on his property, the landowner acquires the right to take advantage of a lucrative tax write-off under the federal income tax laws. This tax benefit is to the current property owner only, and is available to him for a brief period of time. It should not be confused with the land-use valuation created by Virginia State law.
5. Conservation easements are, and in order to qualify for the federal tax break must be, in perpetuity. That is a very long time.
6. Virginia’s law against perpetuities is a centuries old legal principle, which recognizes that “dead-hand” control of real property is not a good idea. An exception to the law against perpetuities was carved out so conservation easements would be enforceable.
7. A widely held perception among legal, accounting and local government practitioners is that the primary motivation for placing a conservation easement on property is the acquisition of the federal tax write-off. It is unlikely a landowner would place an easement on his property if the tax credit were not available.
8. Combining several of the forgoing points, when a conservation easement is placed on a parcel, the current property owner acquires an immediate tax break and the County has thrust upon it a parcel permanently rezoned to a short and limited list of permissible uses. The rezoning was enacted without any of the usual public input, now or in the future.
9. All too often, land under a conservation easement can become unmarketable.
10. If the surrounding area becomes developed, it will eventually become impracticable to farm the land. In fact, the owners of the surrounding land may not even want it to be farmed. The local government may not want it farmed. The future owner of the land may not desire to farm it personally, yet will find it difficult to rent to a tenant farmer because transporting equipment to the property becomes impracticable. The land ends up in disuse, providing habitat for risks to public health and safety. One such example lies within Chesterfield County. Of course, as long as the surrounding land use

continues to be agricultural, marketability as an agricultural property will not be an issue. Additionally, easement restrictions prohibit public use (such as for a park), in the event agriculture is no longer practical.

11. This Board could be in unenviable position when it considers amendments to its Comprehensive Plan and Zoning Ordinance if landowners in the nineteenth century had placed such easements on parcels randomly scattered throughout the County. If someone owning 50 acres outside the city limits of Harrisonburg in 1880 had placed a conservation easement on land now occupied by James Madison University, it might still be Madison College, because it was not able to grow.
12. Wording conservation easements is difficult. What does it mean to limit uses to “agricultural?” Does that mean “agricultural” as it is understood when the easement is put in place? Can the drafters anticipate how “agricultural” practices will change over the decades? The centuries? For example, even today the Virginia Outdoors Foundation (VOF) limits impervious surfaces, thereby preventing intensive agricultural operations from being accepted.
13. Wording a conservation easement to be supportive of a battlefield is also difficult.
14. Issues raised by the request that the County should serve as a co-holder of conservation easements include staff time and financial commitment to monitor and enforce the terms of an easement, the source of funding for these additional duties and, the real or perceived commitment to be actively involved in the enforcement of the terms of the easement.
15. Because of the many issues raised by the in-perpetuity element of conservation easements, it is foreseeable that the day will come when these easements are challenged in court and before the legislature. It is also foreseeable that local governments may be in the forefront of raising such challenges. That could be seen as an awkward position to take if the County is a co-holder of conservation easements.
16. However, if the Board is interested in co-holding easements, and wishes to consider an area smaller than a countywide approach, it may wish to consider co-holding in the Core Area of the battlefields and area contiguous with the Core Area.
17. In sum, conservation easements can be understood as the current private property owner dictating to all future generations the best way to use a particular parcel of real estate, based on today’s understanding of land use practices, and quite possibly motivated by a very short term and very personal financial benefit.

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Ms. Cooper stated that the Shenandoah Valley Battlefields Foundation would like to acquire easements on three properties. To do so, she explained that the funding sources

require a government co-holder. The deadline to submit for the grant opportunities is March 31, 2016.

After a discussion between the Board and staff regarding conservation easements, and how they work, Chairman Kyger requested that staff research the issue and provide more information including a list of options and implications to the Board before the February 10, 2016 Board meeting.

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#### **TECHNOLOGY DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Perry's staff report dated January 2016.

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#### **PARKS & RECREATION DIRECTOR'S STAFF REPORT.**

Mrs. McQuain provided a PowerPoint Presentation of events from the past year. She pointed out that over 515 programs were offered in 2015 and noted that many more activities will be offered when the new Albert Long Park opens. She thanked the Board for their support of Albert Long Park.

The Board received and reviewed Mrs. McQuain's staff report dated January 2016.

In response to Supervisor Cuevas, Mrs. McQuain stated that the majority of activities offered are held in Rockingham County Public Schools.

Administrator Paxton reported that at its December meeting, the Rockingham Recreation Foundation met with Mensel Dean and John Flora to discuss fundraising opportunities. It was suggested that the Rockingham Recreation Foundation would benefit greatly from services of a fundraising consultant.

Staff drafted a Request for Proposals (RFP) to acquire consulting services and requested the Board's approval to issue the RFP.

Administrator Paxton explained that if approved, staff will solicit the proposals and then the Foundation Board will interview and provide recommendations to the Board of Supervisors.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board authorized staff to issue Request for Proposals for fundraising consultant services for the Rockingham Recreation Foundation, LLC.

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**COURT SERVICES DIRECTOR’S STAFF REPORT.**

The board received and reviewed Mrs. Freeman’s staff report dated January 13, 2015.

Mrs. Freeman brought attention to The Stepping Up Initiative – a national initiative sponsored by the National Association of Counties (NACo) to reduce the number of people with mental illnesses in jails. She provided the Board with a resolution and asked for their support.

Administrator Paxton pointed out that the resolution does not commit the County or City to spend money. Instead, it brings attention to the great work taking place in the community and shows that the County is at the forefront of addressing mental health illness in both the community and the jail.

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

**RESOLUTION**

**“Stepping Up to Reduce the Number of People with Mental Illnesses in Jails”**

**WHEREAS**, counties are called upon to provide treatment services in local jails to an estimated two million people each year in the U.S. that are diagnosed with serious mental illnesses; and,

**WHEREAS**, the prevalence rates of serious mental illnesses is three to six times higher in jails than for the general public; and,

**WHEREAS**, almost three-quarters of adults with serious mental illnesses in jails also have some form of substance use disorder; and,

**WHEREAS**, adults with mental illnesses tend to stay longer in jail and, upon release, are at a higher risk of recidivism than persons without these disorders; and,

**WHEREAS**, on average, county jails spend two to three times more on adults with mental illness that require intervention than those inmates without treatment needs; and,

**WHEREAS**, without appropriate treatment and services, persons with mental illness continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and,

**WHEREAS**, Rockingham County works diligently to protect and enhance the health, safety and welfare of residents in an efficient and cost-effective manner; and,

**WHEREAS**, Rockingham County and the City of Harrisonburg collaborated to establish Crisis Intervention Team Training, and more recently the Crisis Intervention Team Assessment Center with the regional medical center to divert persons from entering the criminal justice system by providing education for responders, and case specific assessment and treatment; and

**WHEREAS**, through the *Stepping Up* initiative, the National Association of Counties, The Council of State Governments Justice Center, and the American Psychiatric Association Foundation encourage public, private, and nonprofit partners to help ensure that only those persons with mental illness, who have committed offenses that appropriately require incarceration, are in jail, and that those persons in jail receive the necessary treatment on a case specific basis.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the Rockingham County Board of Supervisors endorses the *Stepping Up* initiative and commits to sharing best practices with other localities in the Commonwealth and across the country; and,

**BE IT FURTHER RESOLVED** that Rockingham County working with the City of Harrisonburg will utilize the comprehensive resources available through *Stepping Up* to:

- Seek the assistance of a diverse team from multiple agencies to safely reduce the number of persons with mental illnesses that are held in the local jail; and,
- Collect and evaluate medical data pertaining to adults entering jails to better determine those with mental illness, and project the risk of recidivism, and use that baseline information to guide decision making at the system, program, and case levels; and,
- Examine treatment and service capacity to determine which programs and services are available within the community for persons with mental illness and substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system, and to providing treatment and support in the community; and,
- Develop a plan with measurable outcomes to enable policy makers to evaluate the program within the jail using data from the local and regional jail; and,
- Create a process to track the outcomes using data and information systems, and to report on results.

## **FIRE AND RESCUE CHIEF'S STAFF REPORT.**

The Board received and reviewed Chief Holloway's staff report dated January 2016.

Chief Holloway pointed out several pictures in his staff report from a training drill held in December. He explained that MillerCoors had a residence in need of more repair than it was worth and asked the County to assist with a training evolution. Chief Holloway reported that twenty-five staff members assisted with the drill and he explained how beneficial the drill was for three separate agencies.

He reported that the Timberville Fire Department elected to fall under the County's Emergency Medical Services (EMS) license in order to receive assistance with their paperwork.

Additionally, he reported that the state has started requiring specific lettering on emergency vehicles, which can become costly. He indicated he may look to the Board in the future for new legislation regarding the lettering requirements in order to save the County and taxpayers money.

In response to a question from Administrator Paxton, Chief Holloway indicated the SAFER grant might not be offered again, which is a major concern. Chairman Kyger requested information on the SAFER grant as it relates to the budget.

Chief Holloway reported that the Fire Act grant has been submitted.

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## **COMMITTEE REPORTS.**

The Board heard committee reports from Board members and staff.

### CHAMBER OF COMMERCE

Supervisor Chandler reported that the 100<sup>th</sup> Anniversary Banquet was a huge success.

### COMMUNITY CRIMINAL JUSTICE BOARD

Administrator Paxton reported that the day reporting system contract has been forwarded to Gemeinschaft. He stated that the County began using the service and currently has two individuals participating in the program.

FINANCE

On behalf of the Finance Committee, on motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the following supplemental appropriations:

**1. Clerk of the Circuit Court**

A supplemental appropriation in the amount of \$20,939 for a records preservation grant awarded by the Library of Virginia. Funds will be used to conserve minute books, court minutes, and a chancery order book. No local funding is required.

Supplemental Appropriation: \$20,939

\$20,939	GL Code: 1001-02106-10202-000-503109-000	Other Professional Services
\$20,939	GL Code: 1001-00000-12404-000-324180-000	Records Preservation Grant

**2. Transfer to Other Funds**

A supplemental appropriation in the amount of \$50,000 for a transfer from the County Capital Projects Fund to the School Capital Projects Fund for a building study involving the schools in the five-year capital plan. Funding will be provided by the County Capital Projects Fund Reserve.

Supplemental Appropriation: \$50,000

\$50,000	GL Code: 1101-09301-00000-000-509513-000	Transfer to School Capital Projects
\$50,000	GL Code: 1101-00000-15201-000-352000-000	County Capital Projects Fund Reserve

**3. Transfer to Other Funds**

A supplemental appropriation in the amount of \$250,000 for a transfer from the General Fund and the County Capital Projects Fund to the School Capital Projects Fund for the design of renovation projects at John Wayland Elementary (\$100,000), Pleasant Valley Elementary (\$75,000), and Dayton Learning Center (\$75,000). Funding will be provided by the General Fund Reserve and the County Capital Projects Reserve.

Supplemental Appropriation (General Fund):	\$175,820
Supplemental Appropriation (Capital Fund):	\$ 74,180

\$175,820	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital Projects
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\$175,820	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve
\$74,180	GL Code: 1101-09301-00000-000-509513-000	Transfer To School Capital Projects
\$74,180	GL Code: 1101-00000-15201-000-352000-000	County Capital Projects Fund

**4. Contributions**

A supplemental appropriation in the amount of \$7,500 for a contribution to the Economic Development Authority (EDA). This contribution will cover the costs of outstanding bills incurred by the EDA along with the statutory per diem fees for the directors. Funding will be provided by the General Fund Reserve.

Supplemental: \$7,500

\$7,500	GL Code: 1001-09103-00000-000-505699-000	Other Contributions
\$7,500	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

**5. Transfers**

A supplemental appropriation in the amount of \$250,000 for a transfer from the General Fund to the School Capital Projects Fund for an advance funding of the Schools Technology Initiative for the elementary school phase. Funding will be provided by the General Fund Reserve.

Supplemental Appropriation: \$250,000

\$250,000	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital Projects
\$250,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

**6. Transfers**

A supplemental appropriation in the amount of \$520,000 for a transfer from the General Fund to the School Capital Projects Fund for the purchase of six school buses. Funding will be provided by the General Fund Reserve.

Supplemental Appropriation: \$520,000

\$520,000	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital Projects
\$520,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

**7. Transfers**

A supplemental appropriation in the amount of \$800,000 for both the General Fund and the County Capital Projects Fund. These supplementals will replenish the County Capital Fund Reserve as part of the Rockingham 2020 plan. Funding will be provided by a transfer from the General Fund to the County Capital Projects Fund.

Supplemental Appropriation (General Fund): \$800,000  
 Supplemental Appropriation (Capital Projects): \$800,000

\$800,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to County Capital Projects
\$800,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve
\$800,000	GL Code: 1101-09401-00000-000-508399-000	Miscellaneous Projects
\$800,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund

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**School Capital Projects**

**1. Transfers**

A supplemental appropriation in the amount of \$300,000 for a building study involving the schools in the five-year capital plan (\$50,000) and the design of renovation projects at John Wayland Elementary (\$100,000), Pleasant Valley Elementary (\$75,000), and Dayton Learning Center (\$75,000). Funding will be provided by a transfer from the General Fund and the County Capital Projects Fund.

Supplemental Appropriation: \$300,000

\$111,600	GL Code: 2103-66600-00000-209-603106-000	Architectural Services-JWES
\$9,600	GL Code: 2103-66600-00000-211-603106-000	Architectural Services-FRES
\$9,600	GL Code: 2103-66600-00000-212-603106-000	Architectural Services-JCMES
\$84,600	GL Code: 2103-66600-00000-219-603106-000	Architectural Services-Pleasant Valley ES
\$84,600	GL Code: 2103-66500-00000-332-603106-000	Architectural Services-DLC
\$175,820	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund
\$124,180	GL Code: 2103-00000-25101-000-400094-000	Transfer from County Capital Projects Fund

**2. Transfers**

A supplemental appropriation in the amount of \$250,000 for an advance funding of the Schools Technology Initiative for the elementary school phase. Funding will be provided by a transfer from the General Fund.

Supplemental Appropriation: \$250,000

\$68,000	GL Code: 2103-66600-00000-228-606070-010	Minor Computer Equipment-CRES
\$45,500	GL Code: 2103-66600-00000-212-606070-010	Minor Computer Equipment-JCMES
\$35,000	GL Code: 2103-66600-00000-209-606070-010	Minor Computer Equipment-JWES
\$35,000	GL Code: 2103-66600-00000-216-606070-010	Minor Computer Equipment-MVES
\$35,300	GL Code: 2103-66600-00000-221-606070-010	Minor Computer Equipment-PVES
\$31,200	GL Code: 2103-66600-00000-218-606070-010	Minor Computer Equipment-PES
\$250,000	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund

**3. Transfers**

A supplemental appropriation in the amount of \$520,000 for the purchase of six school buses. Funding will be provided by a transfer from the General Fund.

Supplemental Appropriation: \$520,000

\$520,000	GL Code: 2103-63200-00000-924-608105-000	Bus/Vehicle Replacement
\$520,000	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund

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Administrator Paxton explained that in his opinion, the supplemental appropriation of \$800,000 to begin replenishing the capital fund is key. He stated that an important component of the County’s financial plan is that certain things can be paid from cash reserves when appropriate. He pointed out that the County’s five-year plan recommended periodically transferring money from the general fund to the capital fund for the specific purpose of using it on unassigned capital projects.

**PUBLIC WORKS**

Mr. Cuevas read the following:

1. Albert Long Park and Landfill Entrance- Request for Qualification (RFQ) of Firms to Solicit Design-Build.

Staff recommends that the County contract the following projects using the design build process: Albert Long Park site electric, site lighting, field preparation and

amendments, field irrigation, and the Landfill Entrance site electric. The Committee concurs and advises that design-build contracts will minimize project risk and shorten the delivery schedule, which will result in a lower cost by overlapping the design phase and construction phase. The first step is to authorize a Request for Qualification to determine the firms qualified to submit bids for the project.

The Committee recommends the Board approve the use of the design-build process for the following projects: Albert Long Park site electric, site lighting, field preparation and amendments, field irrigation, and the Landfill Entrance site electric, and authorize advertising a Request for Qualification to initiate the procurement process.

2. Landfill/Container Sites – Recycling Services Bids

The Recycling Services bids were opened on December 17, 2015. Three bids were received. Staff has reviewed the bids and recommends awarding the bid to Recycle Management, located on South Main Street in Harrisonburg, for \$90 per gross ton, with no trip charge. The next low bidder, Valley Scrap quoted \$82.20 per gross ton, but had an additional trip charge which added \$1,800 per month. In addition, hauling costs for the County to take the waste from the container sites would add \$504 per month. Therefore, it would cost \$2,304 per month in trip fees to use Valley Scrap. The average monthly tonnage being transported by both entities is 29.5 gross tons x \$7.80 bid difference=\$230. The net result is a \$2,074 per month fee to use Valley Scrap. This cost is for the scrap metal, aluminum, cans, and white goods recycling.

This contract consolidates the County recycling services to one contractor to gain the highest revenue for the recycled products. The contract is an annual contract with four one-year renewals.

Plastics will continue to be recycled at Sunoco in Fishersville at no charge. The paper, newspaper, and cardboard continue to be recycled by Valley Paper, the only contractor in the area for this service.

The Committee recommends the Board of Supervisors award the contract to Recycle Management at a fee of \$90 per gross ton, with no trip charge.

3. Landfill Entrance Bid request

The Committee met with SCS and staff to receive an update on the Landfill Entrance relocation and next cell construction project. The entrance project is ready for advertisement on January 19th, with a bid opening of February 9 and a possible start date of March 7, 2016. This work is expected to be completed by the end of 2016. The project includes a new convenience center for County residents, a landfill office for staff, relocated outbound scale, new inbound scale and scale attendant booth, and a relocated wheelwash. The size of the facility will allow for

increased growth as the waste flow increases in the future. The cost of the entrance project is approximately \$4,118,000. Staff recommends borrowing \$4 million for this part of the project with a twenty year term. Staff expects that the debt service for this part of the project can be absorbed by the landfill operations at the current rate (\$52 per ton).

SCS is continuing to work with DEQ on the approval of the next cell. SCS estimates approval in March 2016 with construction to begin in October 2016. There is an eighteen month construction period for the cell. Current estimates for this part of the project total \$10.5 million.

The Committee recommends the Board of Supervisors authorize soliciting bids for the Landfill Entrance relocation project and direct staff to move forward with an application to the Virginia Resources Authority for up to a \$4 million loan for the entrance project.

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On behalf of the Public Works Committee, on motion by Supervisor Cuevas seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board:

1. Authorized the use of the design-build process for the following projects: Albert Long Park site electric, site lighting, field preparation and amendments, field irrigation, and the Landfill Entrance site electric, and authorized advertising a Request for Qualification to initiate the procurement process;
2. Awarded the Landfill/Container Sites – Recycling Services contract to Recycle Management at a fee of \$90 per gross ton, with no trip charge; and,
3. Authorized staff to solicit bids for the Landfill Entrance relocation project and move forward with an application to the Virginia Resources Authority for up to a \$4 million loan for the entrance project.

#### SHENANDOAH VALLEY PARTNERSHIP (SVP)

Assistant County Administrator Anas reported that he recently traveled to Richmond to meet with members of the Virginia Economic Development Authority, the Deputy Secretary of Agriculture and Forestry, as well as representatives from the Virginia Port Authority.

#### VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger reminded the Board that the NACo Legislative Conference is February 20-24, 2016 and the VACo Government Day is February 11, 2016. He also

mentioned that a representative from the County would need to attend the rural caucus meeting on February 10<sup>th</sup>.

OTHER

Related to the SPCA study, Administrator Paxton conveyed that at the request of the consultant, no City or County Government Officials or SPCA Board of Directors or staff members will be present at the Town Hall meeting. He pointed out that City and County Officials and the SPCA Board and staff will meet with the consultant separately.

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**RECESS.**

At 5:02 p.m., Chairman Kyger declared the meeting recessed for dinner.

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**PUBLIC HEARING – RESERVOIR STREET CONDEMNATION.**

Before opening the public hearing, Chairman Kyger informed the public that Supervisor Breeden's absence is due to a gravely ill family member, noting the importance that he be with his family during this difficult time.

At 6:00 p.m. Chairman Kyger opened the public hearing and read the following:

Notice is hereby given that the Board of Supervisors of Rockingham County, Virginia will hold a public hearing pursuant to Sections 15.2-1903, 15.2-1904 and 15.2-1905 of the Code of Virginia, 1950, as amended, for the consideration of passage of a resolution of its intent to enter and take prior to, during or after condemnation proceedings, fee simple, temporary and permanent easement interests in real estate for the improvement, widening, construction, installation, maintenance, replacement and repair of Reservoir Street and associated drainage, and relocation of utilities in the vicinity of Reservoir Street, on or across the property of:

- Mary Madalene Lambert, life tenant, Rockingham County Tax Map Parcel 125-A-160;
- Garland Lambert, remainderman, Rockingham County Tax Map Parcel 125-A-160;
- David Wayne Lambert, remainderman, Rockingham County Tax Map Parcel 125-A-160;
- Cathy Lambert Davis, remainderman Rockingham County Tax Map Parcel 125-A-160;

- Ronnie M. Sours and Carolyn Sue Sours, Rockingham County Tax Map Parcel 125-A-161A; and
- Ronnie M. Sours, Rockingham County Tax Map Parcel 125-A-161.

County Attorney Miller briefly reviewed a draft resolution related to the above properties affected by the widening of Reservoir Street. He explained that the County went through the process of having the properties appraised and made offers. To date, all offers were accepted, signed and returned with the exception of Mary Madalene Lambert, Life Tenant, Garland Lambert, Remainderman, and Ronnie M. Sours and Carolyn Sue Sours. County Attorney Miller explained that in order to move forward with the project, the County must receive approval or authorize the resolution for condemnation. He noted that the life tenant suffers from health issues causing her signature to be questionable. The property of Garland Lambert consists of 7,000 square feet for a temporary easement interest and the property of Ronnie and Carolyn Sours involves 15,000 square feet for fee simple interest.

Ricky Shoemaker advised that he is one of the landowners of the Lambert property. He indicated a letter was sent to landowners on May 23, 2014, but he did not receive a copy. He said if he had received the letter or more information, the family would have been more likely to sign the offers.

Ronnie Sours was present. He stated that he and his wife are not opposed to the project, but have concerns. Mr. Sours indicated that he lives on Port Republic Road across from Sentara RMH, owning about 80 acres of land on Reservoir Street. His land is zoned agricultural, requiring the use of large farm equipment, trailers and trucks. Mr. Sours indicated the proposed design of the project places a solid raised median across the entire frontage of his property, hindering access. He indicated he was told that access to his property would require U-turns. Mr. Sours expressed concern regarding the safety of U-turns and questioned whether emergency vehicles would have access to his property. He invited the Board to visit his property to understand his concerns. Mr. Sours stated that he is willing to work out a solution acceptable for everyone.

Chairman Kyger closed the public hearing at 6:13 p.m.

County Attorney Miller informed Mr. Shoemaker that all family members signed and returned offers with the exception of life tenant, Mary Lambert.

Discussion ensued, followed by Chairman Kyger's request that the resolution be tabled to allow time for staff to meet with Mr. Shoemaker and Mr. Sours. He suggested the matter be brought before the Board at the January 27, 2016 Board meeting.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board tabled the passage of a resolution approving condemnation of fee simple and temporary and permanent easements

across property owned by Mary Madaline Lambert, Life Tenant; David Wayne Lambert, Remainderman; Ronnie M. Sours and Carolyn Sue Sours; and Ronnie M. Sours.

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**PUBLIC HEARING - SPECIAL-USE PERMIT.**

At 6:30 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following special-use permit:

SUP15-308     Jeremy W. and Connie Long, 6631 Spring Creek Road, Bridgewater 22812 for a 55' x 90' addition to a public garage on property located on the southeast side of Lady Bug Road (Route 749) approximately 4/10 mile northeast of Community Center Road (Route 730), Election District #4, zoned A2-C, Tax Map #120-(A)-2A. Property address: 9025 Lady Bug Road.

The applicants were present. Mr. Long indicated he needs the additional space to accommodate the larger vehicles and emergency apparatus on which he works.

No one spoke in opposition to the request.

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Chairman Kyger closed the public hearing at 6:35 p.m.

On behalf of Chairman Kyger, on motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, with the following conditions, approved SUP15-308 Jeremy W. and Connie Long, 6631 Spring Creek Road, Bridgewater 22812 for a 55' x 90' addition to a public garage on property located on the southeast side of Lady Bug Road (Route 749) approximately 4/10 mile northeast of Community Center Road (Route 730), Election District #4, zoned A2-C, Tax Map #120-(A)-2A. Property address: 9025 Lady Bug Road.

Conditions:

1. Addition shall be located in substantial accordance to plot plan submitted with the application.
2. Addition shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. As required by the Health Department, there shall be a 10' minimum separation distance from existing septic tank and conveyance line to the building addition.

4. There shall be no more than four employees associated with this business.
5. There shall be no accumulation of junk, trash, and debris allowed on the property, and there shall be no junked vehicles allowed to accumulate on the property.
6. All work shall be done inside of the building.
7. There shall be no more than six vehicles either awaiting repair or waiting to be picked up following repair allowed outside the building at any one time.
8. Hours of operation shall be limited to 6 a.m. to 9 p.m.
9. An updated site plan shall be submitted to and approved by the County prior to any construction of the building addition.

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#### **PUBLIC HEARING – REZONINGS.**

Chairman Kyger reopened the public hearing at 6:36p.m. and Senior Planner May reviewed the following rezoning request:

REZ15-280 Greenport Group, LLC, P.O. Box 1076 Harrisonburg, VA 22803, to amend 2.25 acres of the Greenport Subdivision Master Plan, parcels 125G-(A)- L133B, 125G-(10)- L1, and 125G-(14)- LA; and to rezone parcel TM# 125G-(A)- L133A, totaling 0.49 acre, from Medium Density Residential District (R-2) to Planned Neighborhood District (R-5) and to add it to the Greenport Subdivision Master Plan. Greenport is located north of Albert Long Drive (Route 800) approximately 0.25 mile southwest of Reservoir Street. The Comprehensive Plan identifies this area as Mixed Use Center and Community Residential. The parcel lies in Election District 3.

Dean Weaver was present to represent Greenport Group, LLC. He explained that the homes are considered easy-living qualified, to meet the needs of an older population. He noted that the homes are of great quality and will be maintained by a Homeowner's Association. In response to a question, Mr. Weaver stated that the homes are roughly 1,400 square feet.

Larion Hostetler was present to represent the owners of two adjoining properties. Mr. Hostetler indicated there was a road added to the master plan, abutting the property line of Twin Gables. He explained that the road is a concern, as it will carry most of the traffic in that area. He stated that he had conversations with Mr. Weaver regarding

additional proffers involving fences, the removal of trees, and re-seeding. He requested that the additional proffers be added to the request before approval is granted.

In response to a question, Ms. Cooper advised that proffers can be added as long as they are more restrictive.

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Chairman Kyger closed the public hearing at 6:51 p.m. to vote on the request.

With the addition of several written proffers, Supervisor Chandler motioned for approval of REZ15-280.

Seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved REZ15-280 Greenport Group, LLC, P.O. Box 1076 Harrisonburg, VA 22803, to amend 2.25 acres of the Greenport Subdivision Master Plan, parcels 125G-(A)- L133B, 125G-(10)- L1, and 125G-(14)- LA; and to rezone parcel TM# 125G-(A)- L133A, totaling 0.49 acre, from Medium Density Residential District (R-2) to Planned Neighborhood District (R-5) and to add it to the Greenport Subdivision Master Plan. Greenport is located north of Albert Long Drive (Route 800) approximately 0.25 mile southwest of Reservoir Street. The Comprehensive Plan identifies this area as Mixed Use Center and Community Residential. The parcel lies in Election District 3.

*(The proffers are attached to and made a part of these minutes)*

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At 6:53 p.m. Chairman Kyger opened the public hearing and Senior Planner May reviewed the following request:

REZ15-281 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)-L43A, totaling 10.33 acres, located north of Lakeview Drive (Route 1025) approximately 0.25 mile north of Shen Lake Drive (Route 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.

Dr. John Kidd, President of the Lakeview Golf Course, was present to speak on behalf of the golf course. He explained that the golf course has operated 36 holes for about 12 years. The level of play has dropped from 65,000 rounds to 35,000 rounds since the opening of two additional golf courses in the community. As the golf course can no longer financially maintain 36 holes, the goal is to sell nine holes. He explained that Lakeview

staff has worked diligently for two years to find a solution and has met with several groups in the community from Crossroads and Massanetta Springs. Dr. Kidd indicated Lakeview Golf Course and the potential buyer of the nine holes are open to additional proffers.

Asa Taylor stated that he is affected directly by the proposal. He recognized that the golf course is a great asset to the community and indicated he understands the issues the golf course is facing. His concern is whether the negotiations discussed will be written and enforceable. Mr. Taylor requested an additional thirty days to continue negotiations.

Catherine Rittenhouse, Daniel Hostetter, and Steve Owen each expressed their own concerns related to traffic volume, appearance, and the rapid growth rate in the area.

David Harrison, a resident of Lakeview Drive also requested additional time in order to be part of the discussions and negotiations.

Phil Wishon, a resident of Crossroads Farms, indicated he is willing to work with the golf course and requested a thirty-day grace period to provide additional time for discussion.

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At 7:28 p.m. Chairman Kyger closed the public hearing.

Supervisor Chandler expressed appreciation for the time and patience of everyone involved. He acknowledged concerns and indicated his intent to table the request in order to provide additional time for further discussions. He suggested bringing the rezoning request back to the Board at the February 10, 2016 Board meeting.

On motion by Supervisor Chandler seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board tabled REZ15-281 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)- L43A, totaling 10.33 acres, located north of Lakeview Drive (Route 1025) approximately 0.25 mile north of Shen Lake Drive (Route 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.

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**RECESS.**

Chairman Kyger recessed the meeting at 7:31 p.m. to allow those present for the rezoning requests to exit the room.

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**PUBLIC HEARING – ORDINANCE AMENDMENTS.**

At 7:36 p.m. Chairman Kyger opened the public hearing and Senior Planner May reviewed the following agricultural and forestal district amendments:

AFP15-297        Rockingham County to amend the total acreage of the Spring Creek Agricultural and Forestal District, consisting of seventy-eight (78) parcels, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, totaling three thousand twenty-seven (3,027) acres, more or less. Spring Creek Agricultural and Forestal District is located Election district 4 and 2.

AFP15-298        Rockingham County to amend the Western Rockingham Agricultural and Forestal District consisting of one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. The amendment reinstates the description of the district that had been deleted in error. The Western Rockingham Agricultural and Forestal District lies in Election Districts 2 and 4.

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Code Compliance Officer, Kelly Getz, reviewed the following ordinance amendments:

OA15-287 Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Article 2, Definitions, Animal Husbandry: after "The production of livestock or poultry," add "such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses, and hogs."

OA15-288 Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Table 17-606, Land Use and Zoning Table, and to add "Animal Domestic" to the land use table as a permitted use (P) in A-1 and A-2, and in the RV, RR-1, and PG as a special use (SU\*) with supplemental standards. Remove "Agriculture" as a permitted use in RV, RR-1, and PG.

OA15-289 Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), 17-607 Supplemental Standards for Certain Land Uses

under "Animal, Domestic" add "In the RV, RR-1 and PG zoning district, animal, domestic shall be limited to personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four (4) animal units except that there shall be no more than five (5) birds or fowl per lot."

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At 7:50 p.m. Chairman Kyger closed the public hearing for the purpose of voting on the proposed ordinance amendments.

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

**ORDINANCE REPEALING AND  
RE-ENACTING SECTION 17-509.02.  
OF THE CODE OF ORDINANCES  
OF ROCKINGHAM COUNTY,  
VIRGINIA**

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

That Section 17-509.02. Description of the Spring Creek Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

**17-509.02. Description.**

The Spring Creek Agricultural and Forestal District shall consist of the following land: seventy-eight (78) parcels spanning three thousand twenty-seven (3,027) acres, more or less, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, which includes the parcels, shown on the county real estate maps, as of the effective date of this district, numbered as:

104-(A)- L88, 104-(A)- L121, 104-(A)- L126, 104-(A)- L129, 105-(A)- L88, 105-(A)- L91A, 105-(A)- L103, 105-(A)- L111, 105-(A)- L111B, 105-(A)- L113, 105-(A)- L181B, 105-(A)- L189C, 105-(A)- L189D, 120-(1)- L1, 120-(1)- L1B, 120-(1)- L2, 120-(1)- L3, 120-(1)- L3A, 120-(1)- L4, 120-(A)- L59, 120-(A)- L65, 120-(A)- L69, 121-(1)- L1, 121-(1)- L2, 121-(A)- L1, 121-(A)- L1A, 121-(A)- L2, 121-(A)- L4, 121-(A)- L5, 121-(A)- L9,

121-(A)- L15, 121-(A)- L24, 121-(A)- L24A, 121-(A)- L24B, 121-(A)- L32, 121-(A)- L36, 121-(A)- L36A, 121-(A)- L38H, 121-(A)- L39A, 121-(A)- L39A1, 121-(A)- L40, 121-(A)- L41, 121-(A)- L42, 121-(A)- L43A, 121-(A)- L45, 121-(A)- L50A, 121-(A)- L52, 121-(A)- L54B, 121-(A)- L61A, 121-(A)- L66A, 121-(A)- L70, 121-(A)- L71, 121-(A)- L73, 121-(A)- L74, 121-(A)- L75, 121-(A)- L75B, 121-(A)- L76A, 121-(A)- L77, 121-(A)- L84, 121-(A)- L84A, 121-(A)- L84D, 121-(A)- L85, 121-(A)- L85A, 121-(A)- L96, 121A-(1)- L12, 122-(A)- L3, 122-(A)- L4, 122-(A)- L11A, 122-(A)- L20A, 122-(A)- L21, 122-(A)- L25A, 122-(A)- L26, 122-(A)- L26A, 122-(A)- L27, 122-(A)- L29, 135-(A)- L1, 135-(A)- L2, and 135-(A)- L20.

This ordinance shall be effective from the 13<sup>th</sup> day of January, 2016.

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**ORDINANCE REPEALING AND  
RE-ENACTING SECTION 17-510.02.  
OF THE CODE OF ORDINANCES  
OF ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-510.02. Western Rockingham Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

**17-510.02. Description.**

The Western Rockingham Agricultural and Forestal District shall consist of the following land: one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. In the north, the district extends to Greenmount Road and north of Chrisman Road. In the east, the district extends to Fort Lynne Road. In the west, the district extends to Whitmore Shop Road. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

61-(2)- L3, 61-(A)- L34, 61-(A)- L56, 76-(2)- L1, 76-(2)- L2, 76-(3)- L9, 76-(A)- L37, 76-(A)- L38A, 76-(A)- L39, 76-(A)- L39A, 76-(A)- L40, 76-(A)- L40A, 76-(A)- L41, 76-(A)- L41B, 76-(A)- L42, 76-(A)- L43, 76-(A)- L45, 76-(A)- L45A, 76-(A)- L47A, 76-(A)- L54, 76-(A)- L57, 76-(A)- L57B, 76-(A)- L57D, 77-(4)- L1, 77-(A)- L1, 77-(A)- L3, 77-(A)- L3A1, 77-(A)- L4A, 77-(A)- L5B, 77-(A)- L5B1, 77-(A)- L13A, 77-(A)- L21, 77-(A)- L21C, 77-(A)- L23B, 77-(A)- L23B3, 77-(A)- L28, 77-(A)- L29, 77-(A)- L36, 77-(A)- L55, 77-(A)- L101, 77-(A)- L101B, 77-(A)- L101B1, 77-(A)- L119, 77-(A)- L119C,

77-(A)- L128, 77-(A)- L129, 77-(A)- L131A, 77-(A)- L132, 78-(A)- L27, 90-(A)- L67, 91-(A)- L4, 91-(A)- L13, 91-(A)- L17, 91-(A)- L18, 91-(A)- L19, 91-(A)- L29, 91-(A)- L39, 91-(A)- L40, 91-(A)- L42, 91-(A)- L47, 91-(A)- L47A, 91-(A)- L48, 91-(A)- L48A, 91-(A)- L48A1, 91-(A)- L49A, 91-(A)- L61, 91-(A)- L121A, 91-(A)- L129, 91-(A)- L131, 91-(A)- L131A, 91-(A)- L132, 91-(A)- L132B, 91-(A)- L134, 91-(A)- L135, 91-(A)- L139, 91-(A)- L139A, 91-(A)- L154A, 91-(A)- L158, 91-(A)- L178, 91-(A)- L179, 91-(A)- L184B, 91-(A)- L194, 91-(A)- L194A, 91-(A)- L210, 91-(A)- L211, 91-(A)- L212, 92-(2)- L1, 92-(2)- L2, 92-(2)- L4, 92-(6)- L2, 92-(9)- L3, 92-(9)- L4A1, 92-(9)- L4B, 92-(A)- L4, 92-(A)- L34, 92-(A)- L43, 92-(A)- L47, 92-(A)- L55, 92-(A)- L63, 92-(A)- L64, 92-(A)- L70, 92-(A)- L75A, 92-(A)- L82, 92-(A)- L84, 92-(A)- L85, 92-(A)- L91, 92-(A)- L103, 92-(A)- L112, 92-(A)- L112A, 92-(A)- L113, 92-(A)- L114, 92-(A)- L115, 92-(A)- L116, 92-(A)- L117, 92-(A)- L118, 92-(A)- L119, 92-(A)- L124, 92-(A)- L125, 92-(A)- L142, 92-(A)- L144A, 92-(A)- L144A2, 92-(A)- L148, 92-(A)- L149, 92-(A)- L154, 92-(A)- L154A, 92-(A)- L165, 92-(A)- L170, 92-(A)- L171, 92-(A)- L174, 93-(A)- L1, 93-(A)- L2, 93-(A)- L2B, 93-(A)- L3, 93-(A)- L4, 93-(A)- L4B, 93-(A)- L10, 93-(A)- L11A5, 93-(A)- L17, 93-(A)- L17B, 93-(A)- L23, 93-(A)- L45, 93A-(4)- L9, 93A-(5)- L6, 93A-(5)- L7, 93A-(5)- L9, 93A-(5)- L10, 93A-(5)- L11, 93A-(6)- L5, 107-(A)- L51A, 107-(A)- L52, and 108-(A)- L20.

This ordinance shall be effective from the 13<sup>th</sup> day of January, 2016.

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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 - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following ordinance amendments:

**ORDINANCE**  
**REPEALING AND RE-ENACTING**  
**CERTAIN 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 repealing and re-enacting the following definition:

*Animal husbandry.* The production of livestock or poultry such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses and hogs. This may include animals in dairy operations but does not include animals in commercial stables, poultry facilities, animal hospitals, animal shelters, dog kennels, fur farms, livestock sales pavilions, hog operations, or game farms.

This ordinance shall be effective from the 13th day of January, 2016.

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**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):

**ADD** Animal domestic (listed under Agricultural Uses) as a permitted use (P) in the A-1 and A-2 districts.

**ADD** Animal domestic (listed under Agricultural Uses) as a special use (SU\*) in the RV, RR-1 and PG districts.

**REMOVE** Agriculture (listed under Agricultural Uses) as a permitted use (P) in the RR-1 and PG district.

This ordinance shall be effective from the 13th day of January, 2016.

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**ORDINANCE ADDING A  
NEW LAND USE  
AND  
REPEALING AND RE-ENACTING  
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 new land use be added, alphabetically, to Section 17-607. Supplemental Standards:

**Section 17-607. Supplemental Standards**

***Animal Domestic***

- (a) In the RV, RR-1 and PG zoning district, animal, domestic shall be limited to personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four animal units except that there shall be no more than five (5) birds or fowl per lot.

That the following land use in Section 17-607 be and hereby is repealed and re-enacted as follows:

**Section 17-607. Supplemental Standards**

***Agriculture***

- (a) In the PMR zoning district, agriculture shall be limited to horticulture.

This ordinance shall be effective from the 13th day of January, 2016.

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**RECESS.**

Chairman Kyger recessed the meeting at 7:52 p.m. to a date to be determined.

January 20, 2016

The Recessed Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 20, 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:

JOSEPH S. PAXTON, County Administrator  
THOMAS H. MILLER, JR., County Attorney  
STEPHEN G. KING, Deputy County Administrator  
GEORGE K. ANAS, II, Assistant County Administrator

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**CALL TO ORDER.**

Chairman Kyger called the meeting to order at 6:16 p.m.

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**CLOSED MEETING.**

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 recessed the meeting from 6:17 p.m. to 6:42 p.m. for a closed meeting pursuant to 2.2-3711.A, (1), Discussion of the assignment, promotion, demotion, performance, salary, discipline or resignation of a specific officer, appointee or employee.

MOTION: SUPERVISOR CHANDLER      RESOLUTION NO: 16-1  
SECOND: SUPERVISOR KYGER          MEETING DATE: JANUARY 20, 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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**ADJOURN.**

Chairman Kyger declared the meeting adjourned at 6:43 p.m.

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Chairman