

January 27, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 27, 2016 at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
RICKY L. CHANDLER, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

BRYAN F. HUTCHESON, Sheriff

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
GEORGE K. ANAS, II, Assistant County Administrator
CASEY B. ARMSTRONG, Director of Community Development
PATRICIA D. DAVIDSON, Director of Finance
BARRY E. HERTZLER, Director of Public Works
RHONDA H. COOPER, Director of Planning
DIANA C. STULTZ, Zoning Administrator
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
INVOCATION
PLEDGE OF ALLEGIANCE.

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

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

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the minutes of the regular meeting of January 13, 2016 and the recessed meeting of January 20, 2016.

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PRESENTATION TO 2015 CHAIRMAN.

Chairman Kyger presented a plaque to 2015 Chairman Breeden in recognition of his leadership during the past year.

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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 6:03 p.m. to 6:08p.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 in consultation with legal counsel and staff.

MOTION: SUPERVISOR CUEVAS RESOLUTION NO: 16-2
SECOND: SUPERVISOR CHANDLER MEETING DATE: JANUARY 27, 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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ANNOUNCEMENT OF NEW COUNTY ADMINISTRATOR.

Chairman Kyger acknowledged the presence of many individuals, including department heads, Constitutional Officers, several Rockingham County Public School staff members, and City Manager Kurt Hodgen.

He announced that the Board reached a consensus to appoint Deputy County Administrator Stephen G. King as the fourth County Administrator, beginning July 1, 2016. Mr. King will replace Administrator Paxton who will retire on June 30, 2016, after more than thirty-eight years with the County.

Chairman Kyger relayed that the Board is pleased with the current state of County operations and expects that high quality of service to continue under the leadership of Mr. King. He noted that this matter was discussed fully by the Board in three meetings over the past month, and during individual meetings between Board members and Mr. King. Chairman Kyger advised that the Board is unanimous in the belief that Mr. King is the right person for the chief administrative position.

Chairman Kyger noted, "The Board is expressing its full faith and confidence in Mr. King's ability to provide the appropriate leadership in executing the policies of the Board, and to build on the solid County record of accomplishments. Our community is fortunate to have someone of Mr. King's character as a member of the current staff, and his willingness to step into this vital role is appreciated. The County faces many challenges over the next several years, and the Board looks forward to working with Mr. King to analyze its options and set the policies that will guide the County for many years."

Chairman Kyger directed the Finance Committee, the County Attorney, and Administrator Paxton to work with Mr. King and bring a contract for consideration before the Board at its next meeting on February 10, 2016.

Deputy Administrator King provided comments and stated that he will work hard to ensure a smooth transition for all.

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RECESS.

Chairman Kyger recessed the meeting at 6:19 p.m. in order for guests to congratulate Mr. King and exit the room.

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2015 BRENT BERRY FOOD DRIVE UPDATE.

Chairman Kyger called the meeting back to order at 6:27 p.m. and introduced James William “Bucky” Berry and his son Brent Berry who provided an update regarding the 2015 Brent Berry Food Drive to benefit the Salvation Army.

Mr. Berry informed the Board that over the last seven years, the Brent Berry Food Drive has collected \$273,000 worth of food, feeding 9,000 families. Starting in June, the Harrisonburg-Rockingham Chamber of Commerce will team up with the Augusta County Chamber of Commerce to collect food at various locations. Mr. Berry thanked Sheriff Hutcheson for his service to the County and for his willingness to lend a hand during food drives.

Speaking on behalf of the Board, Chairman Kyger expressed appreciation to the Berry family for the great service they provide to the community.

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TRANSPORTATION DEPARTMENT.

Administrator Paxton pointed out that he and Mr. Komara spoke several times during the recent snowstorm to ensure residents were able to travel safely throughout the County. He expressed appreciation for the frequent communication and commended VDOT for an outstanding job.

Mr. Komara noted that VDOT is fortunate to work with many contractors that are critical to snow removal work across the County.

Mr. Komara provided a brief report on the activities of the Transportation Department, noting that since the last Board meeting snow removal has been the top priority. He reported that work is moving along well on the Valley Pike (Route 11) bridge project. A preconstruction conference was 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).

Board members extended appreciation to VDOT, followed by one minor maintenance request for the repainting of a turn lane arrow on Stone Spring Road (Route 280).

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RESOLUTION FOR CONDEMNATION – RESERVOIR STREET IMPROVEMENT PROJECT.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board removed from the table a resolution approving condemnation of fee simple and temporary and permanent easements across property owned by Mary Madalene Lambert, Life Tenant; Ronnie M. Sours and Carolyn Sue Sours; and Ronnie M. Sours.

Administrator Paxton stated that the Board tabled a request at the last meeting to move forward with a “quick take” condemnation proceeding for properties owned by two owners – Ronnie M. and Carolyn Sue Sours and the Life Estate of Mary Lambert to allow for more discussion between County staff and the owners.

He reported that Deputy Administrator King met with the consulting engineer and Mr. Sours to further discuss Mr. Sours’ concerns. They will continue to work with Mr. Sours to see if modifications can be made. Mr. King also met with members of the Lambert Estate.

Supervisor Cuevas reiterated that an action to approve the quick take request does not prevent further discussion with either property owner, and that staff continues to work diligently to seek an amicable solution. Further, Supervisor Cuevas stated that it is important to keep the project moving along a timeline that is consistent with the adjacent improvement in the City, and to improve access to Sentara RMH.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board authorized and directed the County Administrator and County Attorney to take such actions and execute such documents as may be necessary to carry out the provisions of the following Resolution, including but limited to the issuance and filing of appropriate certificates of deposit in accordance with Virginia Code section 25.1-300 *et seq.*

**RESOLUTION APPROVING CONDEMNATION OF FEE SIMPLE AND
TEMPORARY AND PERMANENT EASEMENTS ACROSS PROPERTY OWNED BY
MARY MADALENE LAMBERT, LIFE TENANT; RONNIE M. SOURS AND
CAROLYN SUE SOURS; AND RONNIE M. SOURS**

WHEREAS, the Board of Supervisors of Rockingham County, Virginia, conducted a public hearing on January 13, 2016 at 6:00 PM with regard to its intent to acquire, enter, and take certain specified property, namely, certain fee simple and temporary and permanent easements set forth and more particularly described on the plans and documents attached hereto and incorporated herein as EXHIBITS A and B, which are Sheets 4 and 5 of the Plan and Profile of Proposed State Highway, Route 710, Reservoir Street, made by McCormick Taylor, Revised June 22, 2015 (the Property), respectively describing the land and easements to be taken from the Property owned by Mary Madalene Lambert, life tenant, 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 (the Property Owners); and

WHEREAS, the Board of Supervisors hereby deems it necessary to enter upon and take the temporary and permanent easements prior to or during the resolution of any subsequent condemnation proceeding relating to the Property, and;

WHEREAS, the necessity for the entering and taking of the temporary and permanent easements is for public use and necessity, to wit: 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, and;

WHEREAS, upon passage of this Resolution the County of Rockingham, Virginia, will be authorized pursuant to Virginia Code sections 25.1-300 through 25.1-318 to institute and conduct condemnation proceedings for the Property, and;

WHEREAS, the Board of Supervisors of Rockingham County, Virginia finds it necessary for the taking of the Property for the public uses cited herein, and;

WHEREAS, the work and improvements on the Property are necessary to meet the increasing traffic load on Reservoir Street and throughout the portion of Rockingham County, Virginia near the Hospital wherein the Property is located, and;

WHEREAS, representatives of Rockingham County have made bona fide efforts to purchase the necessary property interests from the above-referenced landowners and have entered into good faith negotiations therewith, but have been unsuccessful in securing the required property interests, and;

WHEREAS, the parcels of real estate included in the Property affected by this Resolution, and the compensation offered to them, are as follows:

1. Mary Madalene Lambert, life tenant, Rockingham County Tax Map Parcel 125-A-160, \$14,532.69;

2. Ronnie M. Sours and Carolyn Sue Sours, Rockingham County Tax Map Parcel 125-A-161A, \$8,750.00; and
3. Ronnie M. Sours, Rockingham County Tax Map Parcel 125-A-161, \$49,475.00.

WHEREAS, the use of the Property on all affected parcels shall be 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, and;

WHEREAS, notice of the public hearing (the Notice) conducted by the Board of Supervisors was published according to law, and;

WHEREAS, such Notice specified the time and place of hearing at which persons affected may appear and be heard;

NOW, THEREFORE, such public hearing having been concluded, upon motion properly seconded and unanimously approved, it is

RESOLVED that the County of Rockingham, State of Virginia, does hereby declare the necessity to enter upon and take, and its intent to so enter and take the certain specified Property set forth herein for the purposes set forth herein; and

BE IT FURTHER RESOLVED, the County of Rockingham, Virginia pursuant to Virginia Code section 15.2-1905(C) hereby elects to use the procedures set forth in Virginia Code sections 25.1-300 through 25.1-318 for condemnation proceedings as may be applicable to the taking of the Property for public uses authorized by Virginia Code section 15.2-1904(A); and

BE IT FURTHER RESOLVED, all recitals set forth herein above are hereby incorporated as a part of this Resolution.

BE IT FURTHER RESOLVED, Joseph S. Paxton, County Administrator of Rockingham County, Virginia, and Thomas H. Miller, Jr., Rockingham County Attorney, be and they hereby are authorized and directed to take such actions and execute such documents on behalf of this Board of Supervisors as may be necessary to carry out the provisions of this Resolution, including but limited to the issuance and filing of appropriate certificates of deposit in accordance with Virginia Code section 25.1-300 *et seq.*

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**CONSIDERATION – SHENANDOAH VALLEY SOIL & WATER
CONSERVATION DISTRICT GRANT REQUEST.**

Megen Dalton, District Manager of the Shenandoah Valley Soil & Water Conservation District (SVSWCD), introduced Stephen Lohr, a SVSWCD elected Board

member. She explained that the SVSWCD is seeking the Board's support for a grant proposal to provide a septic assistance program in the County. She reviewed a handout provided to the Board. The proposed program provides financial assistance for County residents to make septic system repairs, replacements, and installations. These repairs are important as approximately one-third of streams in the County are impaired and do not meet water quality standards for various reasons. A primary reason is bacteria, which is often traced to failing or malfunctioning septic systems. Ms. Dalton noted that if approved, the program will be administered in coordination with the Department of Environmental Quality (DEQ). The funds provided by the County would be used to administer the program.

Community Development Director Armstrong pointed out the importance of repairing failing septic systems in order to reduce nonpoint source pollution. He said the program will contribute to the County meeting the overall goals of the Chesapeake Bay Total Maximum Daily Load (TMDL) action plan.

On motion by Supervisor Breeden seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board authorized support for the Shenandoah Valley Soil and Water Conservation District's (SVSWCD) application: "Rockingham County Septic Assistance Program" and committed \$40,000 in matching funds to support the administration of the Septic Assistance Program, by providing \$20,000 per year, for the next two years.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator Paxton's staff report dated January 21, 2016.

Administrator Paxton reported that Sheriff Hutcheson requested that the Glock Model 22 service weapon used by Deputy Riedel Hisey, be declared surplus upon his retirement on January 1, 2016. Deputy Hisey served the County for twenty years.

On motion by Supervisor Eberly seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board declared the Glock Model 22 service weapon, serial number KYY458, used by Deputy Riedel Hisey as surplus.

Administrator Paxton reported that he met with Supervisors Chandler and Eberly, Mr. King and representatives of Animal Welfare Management, Inc. on January 14 to discuss the County perceptions and perspectives related to the animal sheltering study and

the operation of the facility by the SPCA. Animal Welfare Management, Inc. also met with the City, as well as, the animal control officers and their supervisors. A town hall meeting was held on January 14, and on January 15, the review team met at the SPCA for a discussion with its Board and to review facility operations.

A draft report is expected in the next thirty days and Administrator Paxton noted that he will schedule a joint meeting to provide a presentation of the finalized plan.

He provided an update regarding the Emergency Communications Center radio system upgrade. The \$4M project, split between the City and County, is fifty percent complete with all equipment currently on site. He explained that in order to prevent conflict on the radios there will be two separate reprogrammings. The first, being a transfer of the new program to the radios, and the second, to remove the old program from the radios. The upgrade should be complete by December 2016.

Administrator Paxton reported that he received population estimates as of July 1, 2015. Over the last five years, the County has grown approximately 3.7 percent, reaching 79,000, and the City has grown nearly 10 percent, with a population of 54,000. He pointed out that the Harrisonburg Metro Area is the second fastest growing metro area in the Commonwealth. As the County continues to grow and population rises, so does the need for services, and it is difficult to maintain a balance between the two.

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COMMITTEE REPORTS.

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

COMMUNITY CRIMINAL JUSTICE BOARD

Supervisor Cuevas pointed out that there have been a considerable number of issues discussed in the media over the last several weeks regarding medical care at the Middle River Regional Jail. Since the County is a Member Jurisdiction of the Middle River Regional Jail Authority, he recommended that the County representatives, Administrator Paxton, Sheriff Hutcheson and Patricia Davidson, request a report on the related issues.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board directed the County's members of the MRRJ Board request a report on the provision of medical care at Middle River Regional Jail and provide an update to the Board.

TECHNOLOGY

Technology Director Perry reported that staff has been notified that Cisco will no longer provide engineering support for the County's Cisco Catalyst 4507 switch that was purchased in 1999. Ms. Perry noted this is of immediate concern since the County's wide area network traffic flows through this device. The County currently operates satisfactorily using this switch, but with engineering support ending and parts difficult to find, it could create a substantial outage affecting phone service, email and data traffic between County locations, which would impair County operations. Ms. Perry stated that ABS Technology, a Cisco reseller, has provided a quote under the Virginia Association of State College and University Purchasing Professionals (VASCUPP) State Contract held by Cisco for Cisco products (UCP-3491557JC) for \$68,624 in hardware and implementation services.

Additionally, associated with this replacement, the Checkpoint Firewall and Threat Protection appliances no longer receive engineering support and will reach their end of life in the first quarter of 2017. Ms. Perry obtained a quote from Checkpoint Software Technologies for \$109,480 to replace the appliances, which includes trade-in and the first year's annual support.

Ms. Perry pointed out that there is \$318,000 included in the current year's capital budget for the document imaging project that remains unused. She requested a portion of those funds be reallocated for the replacement of the Core Cisco Switch and Checkpoint Firewall and Threat Protection.

Administrator Paxton pointed out that both purchases are sole source purchases.

On behalf of the Technology Committee, 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 authorized the reallocation of unused funds from the Document Imaging Project for the following purchases:

- 1) Checkpoint Firewall and Threat Protection appliances and one-year support services in the amount of \$109,480 from Checkpoint Software Technologies; and,
- 2) Core Cisco Switch including hardware implementation services in the amount of \$68,624 from ABS Technology.

FINANCE

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

Sheriff

A supplemental appropriation in the amount of \$5,500 for labor costs associated with the Community Services and Connections for Ex-Offenders project. The Sheriff’s Department entered into a Memorandum of Agreement (MOA) with Future Generations and as part of this agreement the Sheriff’s Department will submit weekly reports, conduct outreach, distribute brochures, and assist in scheduling meetings with offenders. Future Generations will reimburse the County for these costs; therefore, no local funding is required. The MOA commences on January 1, 2016 and continues through September 30, 2018. This supplemental request covers the remainder of fiscal year 2015-2016.

Supplemental Appropriation: \$5,500

\$5,500 GL Code: 1001-03105-00000-000-501200-000 Overtime
\$5,500 GL Code: 1001-00000-11603-000-316330-000 Extra Duty Fees

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PUBLIC HEARING – REZONINGS.

At 7:15 p.m., Chairman Kyger opened the public hearing Senior Planner May reviewed the following rezoning requests:

REZ15-314 Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A) - L9B, totaling 2.071 acres, located west of Mount Hermon Road (Route 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.

Cooper Youell, counsel for Go-Mart, Inc. was present to answer questions.

Supervisor Breeden noted that a neighbor of Go-Mart, Inc. contacted him with a concern regarding frequent littering in his yard. The neighbor felt like adding an additional business at that location would create a larger trash problem on his property. Supervisor Breeden indicated he would contact VDOT about the possibility of adding a “No Littering” sign in that location.

REZ15-317 Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A) - L74 and TM# 124-(A) - L40, totaling 28.521 acres, located south of Cecil Wampler Road (Route 704) and east of Interstate Highway 81, zoned General

Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.

Devin Anders, President of InterChange Group Inc., spoke on behalf of the request. He indicated there is already a contract purchaser for a portion of the property who has agreed to the proffers presented. Mr. Anders explained that this is a prime location in the County for truck terminal use, given its close proximity to the interstate. He noted that in 2014, \$500,000 worth of privately-funded work was completed on the intersection to accommodate industrial development in the area.

Chairman Kyger and Board members thanked Mr. Anders for the road improvements.

No one spoke in opposition to the request.

At 7:31 p.m., Chairman Kyger closed the public hearing and reconvened the regular meeting to vote on the two rezoning requests.

On motion by Supervisor Breeden seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved REZ15-314 Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)- L9B, totaling 2.071 acres, located west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.

On behalf of Chairman Kyger, on motion by Supervisor Chandler, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; and subject to the following proffers, the Board approved REZ15-317 Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)-L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.

Proffers:

The Property shall not be used for any of the following uses:

1. Feed mill
2. Poultry litter or brokerage operation
3. Impound lot
4. Airport, heliport or flight strip

Additionally, all special uses permitted on the property will be subject to a public hearing process under the Rockingham County Zoning Ordinance.

The development of any portion of the property shall be subject to compliance with the following additional proffered conditions:

1. All ingress and egress to the Property shall be by Crowe Drive.
2. Crowe Drive shall be constructed to applicable Virginia Department of Transportation standards.
3. Landscaping plan shall be submitted with any site plan submission and responsibility for installation and maintenance of landscaping will be with the Property owner(s). A line of shade trees shall be evenly spaced along the Property boundary with Interstate 81 and Cecil Wampler Road to break up the visual line of site from Interstate 81 (the intent being to provide visual interest, not a screen).
4. No neon or electronic message board signage shall be permitted on the Property.

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 7:32 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following ordinance amendment:

OA15-325 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code.

Ms. Stultz noted that the proposed ordinance amendment is primarily a housekeeping item.

5-0. The Planning Commission recommended approval of the amendment by a vote of

No one spoke in opposition to the request.

Ms. Cooper reviewed the following ordinance amendment:

OA15-327 Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b)(2) Effect of acceptance: Map references; conformance to existing conditions.

5-0. The Planning Commission recommended approval of the amendment by a vote of

No one spoke in favor or opposition to the request.

At 7:35 p.m., Chairman Kyger closed the public hearing and reconvened the regular meeting.

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

**ORDINANCE REPEALING
AND
RE-ENACTING
SUB-SECTION 17-701.02 (b)
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sub-section 17-701.02 (b) Public Streets be and hereby is repealed and re-enacted as follows:

Section 17-701.02. Public Streets.

(b) In the R-1, R-2, and R-3 zoning districts, all streets shall be public streets. In R-3 apartment complexes, the parcel must front on a public street. However, access from the public street to the parking lot may be by a private access easement meeting the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code. In manufactured home parks in the MH-1 zoning district, no streets shall be public streets. In mixed home subdivisions in the MH-1 zoning district and in all other zoning districts, streets may be public streets or private streets.

All other sub-sections of Section 17-701.02 remain as before.

This ordinance shall be effective from the 27th day of January 2016.

Adopted the 27th day of January, 2016.

ORDINANCE

REPEALING AND RE-ENACTING SUB-SECTIONS

17-400.02(d); 17-404.02(c); 17-405.02(d);

17-703.01(c); 17-703.08(b); AND 17-1004.10(b)(2);

AND

REPEALING AND RE-ENACTING SECTION 17-702.07

OF THE CODE OF ORDINANCES

OF ROCKINGHAM COUNTY, VIRGINIA

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

That Sub-section 17-400.02 (d) Requirements be and hereby is repealed and re-enacted as follows:

Section 17-400.02. Requirements.

- (d) The project area shall be under unitary ownership or under unified control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any site plans, be deemed an owner of such land. Unified control may be established by, but is not limited to, the formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the planned development; covenants and restrictions, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall run with the land and insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning, or an agreement of all owners, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning.

All other sub-sections of Section 17-400.02 remain as before.

That Sub-section 17-404.02. (c) Requirements be and hereby is repealed and re-enacted as follows:

Section 17-404.02 Requirements.

- (c) The use of any area within the R-4 district shall be shown on the site plan.

All other sub-sections of Section 17-404.02 remain as before.

That Sub-section 17-405.02 (d) Requirements be and hereby is repealed and re-enacted as follows:

Section 17-405.02. Requirements.

- (d) The use of any area within the R-5 district shall be shown on the site plan.

All other sub-sections of Section 17-405.02 remain as before.

That Sub-section 17-703.01 (c) Landscape Plan be and hereby is repealed and re-enacted as follows:

Section 17-703.01. Landscape plan.

- (c) With prior approval of the zoning administrator, the required contents of the landscape plan may be shown on the site plan, and particular information may be omitted from a landscape plan when, due to the nature or limited scope of a development, such information is not necessary for evaluation of the plan or for purposes of maintaining a record.

All other sub-sections of Section 17-703.01 remain as before.

That Sub-section 17-703.08 (b) Utility Easements be and hereby is repealed and re-enacted as follows:

Section 17-703.08. Utility easements.

- (b) In any planned district, utility easements shall be a minimum of twenty (20) feet in width. Location of all utility easements shall be determined and approved as part of the site plan.

All other sub-sections of Section 17-703.08 remain as before.

That Sub-section 17-1004.10 (b) (2) Effect of Acceptance be and hereby is repealed and re-enacted as follows:

Section 17-1004.10. Effect of Acceptance.

- (b) Map references; conformance to existing conditions:
 - (2) Any site plan or subdivision thereafter submitted for development of property to which proffered conditions have attached shall conform to all such conditions and shall not be approved by the zoning administrator in the absence of such conformity.

All other sub-sections of Section 17-1004.10 remain as before.

That Section 17-702.07 Shared Parking be and hereby is repealed and re-enacted as follows:

Section 17-702.07. Shared parking.

For shared parking, supporting documentation and a plan for parking shall be submitted as a part of the site plan. Supporting documentation may include, but is not limited to, such items as use-specific parking needs, pedestrian-and bicycle-use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly- or seasonal-use parking, availability of general-use parking areas, shuttle services provided, and mass transportation availability.

This ordinance shall be effective from the 27th day of January, 2016.

Adopted the 27th day of January, 2016.

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INTRODUCTION OF STUDENT.

A student from East Rockingham High School introduced herself to the board.

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REMOVAL FROM THE TABLE.

On motion by Supervisor Cuevas, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board removed from the table SUP15-277 Thomas Schmidt, 13545 Timber Way, Broadway 22815 for a public garage on property located on the west side of Timber Way (Route 42) approximately 1/2 mile north of East Lee Street (Route 259), Election District #1, zoned A-2. Tax Map #52-(1)-O.

Supervisor Cuevas indicated that the request was tabled at the December 9, 2015, Board meeting to offer the applicant time to cleanup a number of undesirable items around the proposed garage building. Supervisor Cuevas reported that since that time, the applicant followed through, creating a nice-looking facility.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP15-277 Thomas Schmidt, 13545 Timber Way, Broadway 22815 for a public garage on property located on the west side of Timber Way (Route 42) approximately 1/2 mile north of East Lee Street (Route 259), Election District #1, zoned A-2. Tax Map #52-(1)-O.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
4. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
5. There shall be no off-premise signs permitted unless all County and State regulations are met.
6. Parking shall comply with the Rockingham County Code.
7. As proffered by the applicant, the hours of operation shall be from 7 a.m. until 5 p.m.
8. As proffered by the applicant, there shall be no more than four (4) customer vehicles on the property at any time.
9. All work shall be done inside the garage.
10. No parts shall be stored outside the garage.
11. No junk, trash, or debris, including junked vehicles shall be allowed to accumulate on the property.
12. No parking or advertising is permitted on VDOT's right-of-way.
13. An adequate parking and turn-around area shall be provided on site, and there shall be no backing onto Timber Way.
14. Should the adjoining property, also owned by the applicant, be sold or this property be sold, in order for the garage to continue operating, restroom facilities shall be required.
15. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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CLOSED MEETING.

On motion by Supervisor Chandler seconded by Supervisor Cuevas 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 7:39 p.m. to 7:55 p.m., for a closed meeting pursuant to 2.2-3711.A (3), Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

MOTION: SUPERVISOR CHANDLER RESOLUTION NO: 16-3
SECOND: SUPERVISOR BREEDEN MEETING DATE: JANUARY 27, 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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RECONVENE.

At 7:56 p.m., Chairman Kyger reconvened the regular meeting

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Anas' staff report dated January 2016.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Hertzler's staff report dated January 27, 2016

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated January 27, 2016.

Ms. Cooper provided an update and handout regarding House Bill 2 (HB2) transportation project applications. She reported that VDOT received 321 HB2 applications. Thirty-four of those applications were screened out and the remaining 287 applications were scored and ranked based on congestion, accessibility, economic development, land use, safety, and environment. The Rawley Pike (Route 33) project was selected for approval, ranking third in the state for safety. Ms. Cooper noted that the Mayland Road (Route 259) and South Valley Pike (Route 11) projects will be resubmitted on the next round of funding. She indicated the likelihood of those two projects being funded in the next round is very high since they have already been submitted and ranked well.

Ms. Cooper provided a timeline from the Office of the Secretary of Transportation. In February, The Commonwealth Transportation Board (CTB) will meet for a review of the recommended projects. The CTB will develop potential revisions from March - April, hold public hearings from April - May, develop a revised funding scenario in May and then adopt the Six-Year Plan in June. In response to a question, Ms. Cooper indicated she does not know when the approved projects will begin, but should know more soon.

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ADJOURNMENT.

Chairman Kyger declared the meeting adjourned at 8:19 p.m.

Chairman