

April 27, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 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  
RICKY L. CHANDLER, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

FREDERICK E. EBERLY, Election District #2 was absent

Also present:

RENEE A. REED, School Board Member, Election District #3  
CHERYL Y. MAST, Director of School Finance

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

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

Chairman Kyger called the meeting to order at 6:02 p.m.

Supervisor Breeden gave the Invocation and Tate Martin from Boy Scout Troop 28 led the Pledge of Allegiance.

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**INTRODUCTION OF STUDENTS.**

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

**APPROVAL OF MINUTES.**

On motion by Supervisor Chandler, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board approved the minutes of the regular meeting of April 13, 2016.

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## **ROCKY MOUNT FIRE UPDATE.**

Jim Northup, Shenandoah National Park Superintendent, updated the Board on the Rocky Mount fire burning in the Shenandoah National Park. Liaison Officer J. D. Lee, the Southern Type I Red Incident Management Team, and Chief Holloway were also in attendance.

Mr. Northup reported that the fire is currently 90 percent contained due to the recent rain, and does not pose a threat to the private lands or structures outside the Park. He appreciates the assistance from the Virginia Department of Forestry, the Rockingham County Department of Fire and Rescue and the Grottoes Volunteer Fire Department.

He said the fire, reported at 1 p.m. on April 16, 2016, was in the Park's South District along the Rocky Mount Trail, a remote and rugged area designated as wilderness. Park firefighters hiked to the fire to make an assessment and found the behavior of the fire to be unusual with flame lengths of five to six feet; two to three foot flames are typical. The firefighters could not make a direct attack on the fire so they focused their attention on evacuating hikers and backpackers from the area.

The Park ordered additional resources, which included type 1 20-person hand crews, wild land fire engines, and a helicopter for bucket drops. By the time the initial evaluation was completed that afternoon, the fire had spread to 70 acres. It grew quickly to 500 acres before additional resources arrived. In the last ten days, the fire has grown to 10,326 acres, Mr. Northup reported.

In addition to the flame lengths, Mr. Northup indicated the rate of spread and the fact that the fire was burning in all directions and all night was unusual. This time of year there is enough relative humidity recovery in the evening that a fire does not spread during the night. Typically only the upper leaf layer burns but since it was so dry, downed material, such as twigs, branches and small logs, was burning. Since firefighters could not perform a direct attack, they had to find roadways or natural barriers to construct fire lines and make a defensible stand against the fire. There were 350 firefighters, six aircraft and dozens of fire engines working the fire.

The two goals were to protect firefighters and citizens, and keep the fire within the Park boundaries. There were only a couple minor injuries and they were largely successful in keeping the fire within the Park. The fire spread to one spot over the Skyline Drive but was contained quickly. It also went across the Park boundary into Beldor Hollow and burned 180 acres, but no structures were harmed. The firefighters ignited much of that acreage to bring the fire to the County road and secure the area.

Mr. Northup noted the Park received tremendous assistance from the Virginia Department of Forestry in building a fire line, and Rockingham County Fire and Rescue protected structures. Mr. Northup announced a closeout meeting will be held on Friday, May 29 and the management of the fire will be turned over to the Park at that time. The Park will continue to monitor and mop-up the fire until it is declared extinguished.

Mr. Northup said he realizes the fire was frightening for many people and smoke affected Rockingham County and other communities. However, the fire will be beneficial for the ecology of the area and this will be a safer portion of the Park. He noted that area used to burn naturally every three to five years but had not burned in 85 years. New plants will grow quickly and animals will move back into the area. A large number of table mountain pine trees were destroyed but he explained there is a wax resin on them and they are fire dependent; they only disburse seeds for new trees in the presence of fire so the old generation of dying trees will introduce a new generation of table mountain pines.

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Liaison Officer Lee, who travels with the incident team to assist firefighters across the country, indicated the cooperation received in fighting the Rocky Mount fire was one of the best he has experienced. He also noted community support was fantastic as there were lines of youth and adults at the Grottoes Volunteer Fire Department packing lunches for firefighters. He expressed appreciation to Administrator Paxton, Chief Jeremy Holloway and his brother, Grottoes Fire Chief Andrew Holloway. Officer Lee said his team could not have been as successful without the support they received.

Chairman Kyger said he appreciated Mr. Northup's efforts and his transparency to share information was a testament to the Park's management and willingness to be open and be a good neighbor. He noted that one-third of County land is owned by the federal government.

Supervisor Breeden indicated he had a front row view of the fire from his porch. He thanked Mr. Northup, Officer Lee, Chief Holloway and Administrator Paxton for attending a meeting at Rocky Bar. He expected 20 people to attend, but there were over 150 people at the meeting. He stated Superintendent Northup is always an officer and gentleman.

Chief Holloway said there was good cooperation and when it was determined that the fire was a mountain fire, 15 County firefighters had an opportunity to receive wild land fire training. He noted County firefighters will remain at the fire until it is extinguished. The Fire Marshal's office used GPS software to provide entail early on, and Community Development staff printed maps to help the red team when they arrived from Georgia and Florida. Rockingham County Fire and Rescue worked with residents in Beldor Hollow and Big Run to protect structures they were concerned about at the beginning of the fire. Chief Holloway plans to conduct fuel mitigation programs to protect structures in case of future fires.

Supervisor Breeden said the citizens in Beldor Hollow and others have expressed praise for the firefighters.

Mr. Northup said this was a good example of federal, state and local cooperation. He offered to attend other meetings in the community or meet with individual homeowners if they have questions.

In response to a question, Mr. Northup informed Supervisor Cuevas that on the first day of the fire he authorized the use of mechanized equipment (leaf blowers, chain saws, helicopters and pumps) which are normally not permitted in wilderness areas. Dozers were also used in the Park, but not in the wilderness area.

In response to questions from Supervisor Cuevas, Mr. Northup said the cost of the fire exceeds \$3 million and may total \$4 or \$5 million by the time it is finished. It is believed the fire was human caused because there was no lightening in the area.

Administrator Paxton stated County citizens learned the importance of creating a defensible space around their home. Many houses did not have a defensible space but with the cooperative efforts of volunteers, the Virginia Department of Forestry and the Red Team, the area is more defensible for the future. He noted some citizens had been complacent because there had not been a fire in the area for 85 years. The fire was a reminder for people who live in the national forest or park to take precautions. Administrator Paxton said Rockingham County Fire & Rescue personnel were available to make people feel more comfortable.

Chairman Kyger noted that when conditions are right, a fire can burn quickly. The high temperatures, low humidity and wind helped to fuel the Rocky Mount fire. He plans to inform the National Association of Counties Public Lands and Steering Committee of Rockingham's experience since western states complain about the lack of cooperation with federal agencies.

Administrator Paxton indicated the reason personnel were able to control the fire when they did was due to Mr. Northup's quick actions. Otherwise, the fire could have gotten out of control. Administrator Paxton saw a compassionate national park that was concerned about their neighbors, and said citizens need to know Mr. Northup felt it was important to take care of the people that live near the Park.

Mr. King noted that VDOT helped with the erection of signs along US Route 340 during the event to warn traffic about the fire.

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## **TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

He reported on the South Valley Pike (Route 11) bridge work, where traffic has been shifted to perform soil nailing and secure the steep slope. Mesh will be placed on top of the soil and concrete will be poured to hold the slope.

Mr. Komara also provided an update on the South East Side Highway (Route 340) and Port Republic Road (Route 253) intersection project, Long Bow Road (Route 684), Bow Hunters Road (Route 833), and Horeb Church Road (Route 732). He said VDOT is purchasing rights of way along Airport Road (Route 727).

VDOT closed a crossover on John Wayland Highway (Route 42) where a fatality occurred when someone rear-ended a motorist stopped in the passing lane since there was no turn lane at the crossover. VDOT is seeking feedback on the closure. He noted there are several crossovers without a turn lane on Route 33 and Route 42 that are very dangerous during busy times.

He reminded the Board that the public hearing regarding the Six-Year Improvement Program (SYIP) for the primary interstate and urban highway system will be held on May 16, 2016, at 4 p.m. at Blue Ridge Community College's Plecker Center. It was noted that Mr. King will attend the meeting, where HB2 projects will be reviewed. Mr. Komara also noted the Commonwealth Transportation Board will meet in Staunton on May 17 and 18, 2016.

Mr. Komara asked the Board to consider projects for next year. Last year the County did not recommend many secondary road projects but other jurisdictions received funding for secondary roads. He suggested considering Friedens Church Road (Route 682) since there is seed money on the project. The timetable to provide requests opens in July and closes at the end of September, he said.

Mr. Komara stated a Six-Year Improvement Program hearing for secondary roads (mostly unpaved roads) needs to be held soon. He noted the first four years are in the Plan and the County has received slightly over \$1 million in extra money for the fifth and sixth years. A public hearing will be held at the June 8, 2016 Board meeting to allow time to advertise the public hearing and receive feedback from the Board.

Recent maintenance work has included mowing, dust control, grading and skin patching.

Supervisor Breeden asked Mr. Komara to look at Ore Bank Road (Route 708), and Mr. Komara indicated Ore Bank Road is a good candidate for the Secondary Road Six-Year Improvement Program. In response to questions from Supervisor Chandler, Mr. Komara noted the following sections of Ore Bank Road have been improved: approximately a mile and a half from its intersection with East Side Highway; a half a mile back from Browns Gap Road (Route 663) where there are houses and a request has been

made for the road to be hard surfaced. The portion of Ore Bank Road between these two sections is predominantly woods and would remain gravel.

Supervisor Chandler noted that the speed limit on Port Republic Road (Route 253) before the Lawyer Road (Route 655) intersection, changes from 55 to 35 miles per hour and the 35-mile per hour sign is at the bridge. He asked if the speed limit could be reduced to 45 miles per hour a quarter of a mile sooner and then be reduced to 35 miles per hour as motorists start into the turn because there is a short sight distance where traffic is traveling down a grade at a high rate of speed. If the speed limit changes to 35 miles per hour at the beginning of the turn, he said motorists should be traveling 35 miles per hour when they approach the bridge.

Supervisor Chandler informed Mr. Komara that a citizen spoke with him about trash accumulating along Port Republic Road (Route 253) in a culvert several hundred feet back from the curve. He will put Mr. Komara in contact with a preservationist in the Village who may be willing to keep the culvert clean.

At the April 13, 2016 Board meeting, Chairman Kyger informed Mr. Komara of the shoulder deterioration on Dinkel Avenue (Route 257) and suggested extending the bicycle and buggy lane on Dinkel Avenue, from the First Russian Baptist Church eastward to the South Valley Pike (Route 11) intersection, when shoulder improvements are made.

Chairman Kyger previously suggested placing signs on stands in the road to force traffic traveling from Interstate 81 to enter Burger King and Exxon closer to the Shenandoah Valley Electric Cooperative. He said he envisioned placing a device there similar to the one used on John Wayland Highway (Route 42) to close the crossover.

He reiterated that the deceleration lane into Whitewave Foods that is used as an acceleration lane, where traffic coming from I-81 tries to double-lane going to Bridgewater, concerns him. Motorists pass on the right and people turning left into Shenandoah Valley Electric Cooperative encounter distractions with a lot of traffic.

In response to a question from Chairman Kyger, Mr. Komara said Tilghman Road (Route 902) will be treated for dust within the next week. Chairman Kyger reminded Mr. Komara that they need to talk with Elwood Burge at the US Forest Service about connecting the forest road section of Tilghman Road to the state road, particularly where County residents live. They also need to seek federal funds to improve the Forest Service's section of the road so it is safer and less dusty.

Administrator Paxton indicated the speed limit on Spotswood Trail (Route 33 East) at the top of Chestnut Ridge is 35 miles per hour, after that it increases to 45 miles per hour to the traffic light, which means motorists are probably traveling 55 miles per hour. He asked if the speed limit could remain at 35 miles per hour to the Stone Spring Road (Route 280) intersection. It could be increased to 45 miles per hour from Stone Spring Road to Cross Keys Road (Route 276), and then increased to 55 miles per hour. Hopefully, this will prevent motorists from traveling so fast in order to beat traffic signals. Speed limits need to encourage safety, he said.

Mr. King announced that a Revenue Sharing funds approval was received for a right turn lane between Stone Spring Road (Route 280) and Massanetta Springs Road (Route 687), with funds available in July. If Mr. Komara does not object, Mr. King would like to request and receive design proposals for presentation to VDOT before the May 18, 2016 meeting. This would allow VDOT time to review the engineering design so the work could be completed by December.

On motion by Supervisor Chandler, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - ABSENT; KYGER - AYE; the Board authorized staff to advertise a Request for Proposals for engineering, design and construction management of a right turn lane between Stone Spring Road (Route 280) and Massanetta Springs Road (Route 687).

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**ADOPTION OF FY 2016-2017 BUDGET AND SETTING TAX RATES FOR CALENDAR YEAR 2016.**

Chairman Kyger made the following statement for the record:

1. TRANSACTION INVOLVED: Consideration and adoption of a budget, related matters such as tax rates, and other issues concerning schools.
2. NATURE OF PERSONAL INTEREST IN THE TRANSACTION: I am an employee of the Rockingham County School Board. Therefore, I am affected by this Board's decisions concerning school funding and similar issues.
3. As a teacher, I am a member of an occupation the members of which are affected by the transaction specified in paragraph 1.
4. I am able to participate in the transactions fairly, objectively, and in the public interest, and I do intend to vote.

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On behalf of the Finance Committee, Supervisor Cuevas presented the proposed budget and read the following statement:

The total proposed County budget for FY16-17 was advertised at \$360,936,288. Since the proposed budget, minor changes have been made resulting in a total adopted budget of \$361,056,015. Those changes are outlined as follows:

1. A reduction to the Shenandoah Valley Juvenile Center (SVJC) of \$54,543. The board of the SVJC decided to continue the Division of Unaccompanied Children's Services (DUCS) program, thus resulting in additional revenue from the federal government for the program.
2. An increase to the general fund of \$18,482.38 for the Victim Witness program.
3. Fire and EMS Radio Equipment of \$50,000 was originally left out of the proposed budget. The funding is to replace radio equipment on an as-needed basis and is crucial to the operations of the department.
4. An increase to fund balance usage in the amount of \$13,939.38 was used to cover the net increase of the three items above.

Supervisor Cuevas expressed appreciation to the School Board, School Superintendent Dr. Carol Fenn and School Finance Director Cheryl Mast for their assistance on the budget. He also thanked County staff for preparing a budget that is pleasing to the state and federal governments, as well as the school system.

Supervisor Cuevas made a motion on behalf of the Finance Committee to adopt the proposed FY 2016-2017 budget in the amount of \$361,056,015 and proposed tax rates for 2016. Supervisor Breeden seconded the motion.

Supervisor Cuevas noted the increase to the proposed budget is due to the following items the Finance Committee and staff do not believe can be delayed:

- School technology initiative
- Virginia Retirement fund, because the State does not provide the proper financial support
- Three school projects underway (remodeling at John Wayland and Pleasant Valley elementary schools and construction of a new alternative learning school)

- Fire and rescue equipment
- Two percent pay increase for employees

Chairman Kyger recognized Rockingham County School Board Chairwoman Reed. He said the Board is pleased with the efforts of the Finance Committee, Administrator Paxton and others involved in the budget process. Compiling a budget is particularly difficult when tax increases are involved, but he said the reasons for the increase were thought through and planned for over a number of years. The capital projects are part of a long-term capital and operational plan through 2020. He indicated much of the budget represents the cost of personnel and public safety services supported in the recent Virginia Department of Fire Programs study.

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Carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY – ABSENT; KYGER - AYE; the Board adopted the following FY 2016-2017 budget and tax rates for 2016:

**COUNTY OF ROCKINGHAM, VIRGINIA  
BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2016**

**REVENUES**

	<b>AMENDED FY 2015-16</b>	<b>PROPOSED FY 2016-17</b>
<b><u>GENERAL FUND</u></b>		
General Property Taxes	\$ 75,539,000	\$ 79,562,500
Other Local Taxes	10,216,300	10,991,300
Other Local Revenue	10,916,672	12,365,206
State Revenue	17,865,512	17,148,391
Federal Revenue	1,200,555	1,303,413
Insurance Recoveries	15,675	0
Transfers from Other Funds	0	0
Balance Carried Forward	5,532,617	4,685,125
<b>TOTAL GENERAL FUND</b>	<b><u>\$ 121,286,331</u></b>	<b><u>\$ 126,055,934</u></b>
Capital Projects Fund	\$ 10,063,000	\$ 8,988,458
School Capital Projects Fund	1,739,000	3,849,500
School Fund	124,770,834	131,434,538
School Cafeteria Fund	5,368,279	5,396,946
School Textbook Fund	662,000	0
Massanutten Technical Center	5,190,731	5,536,364
Asset Forfeiture Fund	130,000	115,900
H'burg-Rockingham Soc Services District	16,861,442	17,803,052
H'burg-Rockingham Children's Services Act	9,622,556	9,235,150
Central Stores Fund	45,000	45,000
Self-Funded Health Insurance Plan Fund	23,720,000	27,810,885
Water & Sewer Utilities Fund	13,754,357	13,069,609
Lilly Subdivision Sanitary District	56,754	53,958
Smith Creek Water & Wastewater Auth	411,266	414,999
Countryside Sanitary District	18,910	19,145
Penn Laird Sewer Authority	29,037	29,031
Solid Waste Fund	7,257,136	9,601,261
Laird L Conrad Law Library Fund	50,585	50,585
Human Resources Rental Fund	232,774	232,774
Emergency Medical Services Transp Fund	1,312,926	1,312,926
<b>TOTAL REVENUES</b>	<b><u>\$ 342,582,918</u></b>	<b><u>\$ 361,056,015</u></b>

**EXPENDITURES**

	<b>AMENDED FY 2015-16</b>	<b>PROPOSED FY 2016-17</b>
<b>GENERAL FUND</b>		
General Government Administration	\$ 5,898,238	\$ 6,443,527
Judicial Administration	4,091,914	3,953,594
Public Safety	26,245,138	29,168,738
Public Works	2,466,795	3,527,272
Human Services	1,970,359	2,004,295
Parks, Recreation & Cultural	2,344,681	2,407,829
Community Development	3,006,148	2,823,158
Contributions	505,944	518,394
Contingency	500,000	500,000
Other Expenses	145,000	85,000
Transfers to Other Funds	62,630,595	63,254,360
Debt Service – County	2,284,843	2,220,801
Debt Service – Schools	9,196,676	9,148,965
<b>TOTAL GENERAL FUND</b>	<b>\$ 121,286,331</b>	<b>\$ 126,055,934</b>
Capital Projects Fund	\$ 10,063,000	\$ 8,988,458
School Capital Projects Fund	1,739,000	3,849,500
School Fund	124,770,834	131,434,538
School Cafeteria Fund	5,368,279	5,396,946
School Textbook Fund	662,000	0
Massanutten Technical Center Fund	5,190,731	5,536,364
Asset Forfeiture Fund	130,000	115,900
H'burg-Rockingham Soc Services District	16,861,442	17,803,052
H'burg-Rockingham Children's Services Act	9,622,556	9,235,150
Central Stores Fund	45,000	45,000
Self-Funded Health Insurance Plan Fund	23,720,000	27,810,885
Water & Sewer Utilities Fund	13,754,357	13,069,609
Lilly Subdivision Sanitary District	56,754	53,958
Smith Creek Water & Wastewater Auth	411,266	414,999
Countryside Sanitary District	18,910	19,145
Penn Laird Sewer Authority	29,037	29,031
Solid Waste Fund	7,257,136	9,601,261
Laird L Conrad Law Library Fund	50,585	50,585
Human Resources Rental Fund	232,774	232,774
Emergency Medical Services Transp Fund	1,312,926	1,312,926
<b>TOTAL EXPENDITURES</b>	<b>\$ 342,582,918</b>	<b>\$ 361,056,015</b>

\*\*School Textbook Fund consolidated into School Operating Fund in FY17

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**2016 TAX RATES**

<u>Classification of Tax</u>	<b>Actual 2015</b>	<b>Proposed 2016</b>
Real Estate	\$ 0.68	\$ 0.70
Manufactured Home	0.68	0.70
Countryside Sanitary District	0.29	0.29
Personal Property	2.90	2.90
Recreational Vehicles	2.90	2.90
Machinery & Tools	2.55	2.55
Merchants Capital	0.87	0.87
Farm Machinery	0.44	0.44

Property taxes are levied for each one hundred dollars of assessed value as of January 1. Property is assessed at fair market value for all classes, except personal property vehicles,

which are assessed at loan value, and merchants capital, which is based on 67% of fair market value. Tax rates are effective January 1.

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**RECESS.**

At 7:08 p.m., Chairman Kyger recessed the meeting for a short break.

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**CONSIDERATION -- REZONING -- AMENDMENT TO MASTER PLAN.**

At 7:17 p.m., Chairman Kyger opened the public meeting regarding the following rezoning request, which Mr. May reviewed:

REZ16-077 SVTB Crossroads LLC, 1463 Brookhaven Drive, Harrisonburg, VA 22801, to amend the master plan for Crossroads Farm, TM# 126-(A)- L24, located south of Spotswood Trail (Route 33) and west of Cross Keys Road (Route 276), totaling 293.32 acres. The property will remain zoned Planned Residential District (R-5). The Comprehensive Plan identifies the area as Community Residential. Election District 3.

Mr. May noted the amendment does not affect use or density, and does not alter the relationship of the proposal to the Comprehensive Plan. The applicant seeks to amend the master plan and proffers to address topographical issues, the design of the street network and layout of several lots to conform to the newly adopted zoning ordinance. Since the amendments do not affect use or density, pursuant to Code of Virginia §15.2-2302.B, the Board waived the requirement for a public hearing on March 9, 2016.

The Planning Commission recommended approval on April 5, 2016 indicating:

*This amendment does not affect use or density of the proposed development and does not impact the relationship of the development with the Comprehensive Plan.*

Although this was an informational meeting, not a public hearing, Chairman Kyger opened the floor to receive questions or comments from the public.

No one spoke regarding the rezoning request.

On motion by Supervisor Chandler, seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; and subject to the following proffer, the Board approved REZ16-077, SVTB Crossroads LLC, 1463 Brookhaven Drive, Harrisonburg, VA 22801, to amend the master plan for Crossroads Farm, TM# 126-(A)-L24, located south of Spotswood Trail (Route 33) and west of Cross Keys Road (Route 276), totaling 293.32 acres. The property will remain zoned Planned Residential District (R-5). The Comprehensive Plan identifies the area as Community Residential. Election District 3.

Proffer:

SVTB Crossroads, LLC hereby proffers that the use and development of this property shall be in strict accordance with the following conditions:

1. A 25’-wide strip of land adjacent to Route 276, Cross Keys Road, will be preserved by the Owner/Developer for future right-of-way dedication. Dedication shall occur concurrently with site plan approval for the next commercial development within the designated Village Center.

The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements submitted for this development.

(Note: A copy of the March 1, 2016 Plan Description is attached to and made a part of these minutes.)

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**PUBLIC HEARING – REZONING REQUEST.**

At 7:24 p.m., Chairman Kyger opened the public hearing regarding the following rezoning request and Mr. May reviewed the background information:

REZ16-069 LCD Acquisitions, LLC, 455 Epps Bridge Parkway, Suite 201, Athens, GA 30606, to rezone TM# 125-(A)- L163, L164, L165, L165A, and a portion of L182, totaling 36.81 acres, located east of Reservoir Street (Route 710) approximately 1800 feet north of Stone Spring Road (Route 280), currently zoned General Agricultural District (A-2), to Planned Residential District (R-5). The Comprehensive Plan identifies this area as Mixed Use and within the Urban Development Area. Election District 3.

Mr. May said an existing house is on the plan but its use has not been determined. He pointed out that the applicant was requesting a variance to a road that has a higher grade than the ordinance allows.

Mr. May reviewed the property via a YouTube video. He noted most of the property is wooded and the applicant intends to maintain the majority of the wooded area. If Dominion Virginia Power grants permission, the utility easement will be used as a pedestrian access to the property and Copper Beach student housing in the City.

The Planning Commission recommended approval by a vote of 5 to 0 on April 5, 2016, concurring with staff's recommendation for approval, which stated:

*This property lies within the Urban Development Area of the Comprehensive Plan and abuts an existing residential development in the City.*

Jon Williams from Williams & Associates in Athens, Georgia, represents Landmark Properties, a fully integrated real estate investment development and construction firm specializing in high-quality community housing. Mr. Williams said his firm has an understanding of the market, is committed to quality and has a strong record for success. They are currently the most active student housing developer in the country, with projects in multiple states. Also present were Blair Sweeney from Landmark Properties, Seth Roderick from Valley Engineering and Attorney Todd C. Rhea from Clark & Bradshaw.

Mr. Williams indicated Landmark Properties has won multiple industry awards since 2010, and has been nationally recognized. Landmark currently has 10 projects under construction totaling \$1 billion.

He reviewed drawings of the cottage style architecture that permits students to live in a single-family neighborhood with amenities, built in a multi-family zoned area.

Mr. Williams and his staff have been working with County staff for several months and considered their comments when planning the development. He noted Landmark Properties promotes green living, attracts respectful residents, has binding covenants and regulations, and has on-site property management. He reviewed the proposed amenities. Landmark looks to promote alternative transportation and interconnectivity, he said.

In response to questions he has received regarding what will happen to the housing complex in 15 to 30 years, Mr. Williams noted the houses would be constructed with low- or no-maintenance materials. Landmark selected the site because it is close to the university, close or adjacent to other student housing, and in compliance with the County land use map. He indicated the property is located in the middle of the Urban Development Area and will provide a great transition from higher-density student housing to commercial properties. The project is designed to maintain the hilltop topography and vegetation, he said.

Mr. Williams said he was aware that the Board plans to discuss placing all proposed projects in the Urban Development Area east of the City on hold to determine how to develop the overall area. He noted that could delay the Landmark project one to two months, and asked the Board to reconsider since the Landmark project fits in with the type of development he understands the Board currently desires in the area. Mr. Williams explained that student developments are unique because the housing has to be ready for students to move in shortly before school starts. He noted if the project is delayed a month, it will be delayed a year because Landmark does not miss a move-in deadline.

He indicated Landmark has already invested over \$300,000 in the project and will spend that much in interest if the project is delayed. He also noted that the County will delay receiving \$250,000 in taxes, 60 percent of which will benefit schools with no student population impact in County schools. The County will also delay receiving \$1.12 million in fees for water and sewer, building permits and inspections.

Mr. Williams believes Landmark's high-end product will set a bar for other multi-family student housing developments currently being discussed in the area. He said the university is adding 200 beds a year; 2,000 in 10 years. He noted students will move into single-family neighborhoods further from campus without public transportation, if student housing is not available. Mr. Williams was aware Virginia laws relating to proffers recently changed and said the proffers may need to be different in two months. Landmark wants to provide proffers that indicate exactly what they will provide and follow through with them. They are also committed to owning the property for a long time.

In closing, Mr. Williams reminded the Board that staff and the Planning Commission recommended approval of the LCD Acquisitions, LLC rezoning request. The proposed development complies with the County's Comprehensive Plan [amendments to the UDA] adopted in September 2015. Landmark considered the Comprehensive Plan in designing the development. Mr. Williams asked the Board to approve the rezoning request so Landmark can move forward and have the housing ready for students in August of 2017.

Dale Lam, a representative for BOSA II, and his brother, Bill, own the property Landmark wants to purchase and develop. Mr. Lam said his brother has lived in the house on the property thirty years. He indicated there has been a lot of interest in their property over the last decade, but they felt most parties were not credible and would not build a quality product. Many prospective buyers wanted to level the hilltop. The Lams consider Landmark to be in a different class because they want to build a successful development, which Messrs. Lam feel will be a good fit.

Mr. Lam addressed a VDOT concern that by rezoning the property in phases, a traffic study may be circumvented. He assured the Board that BOSA will comply with all regulations, including a traffic impact analysis.

John Bailey, co-owner of an adjacent property across Reservoir Street, indicated his parents purchased their parcel as an investment property 43 years ago. He and his brother, Carl, now own the property. When they became aware of the proposed rezoning, he and his brother contacted Community Development and Mr. Armstrong, Ms. Cooper and Mr. May explained the proposed project, rezoning issues and the County's desires. The Baileys investigated Landmark Properties and the consulting engineer Landmark has worked with many years. Mr. Bailey initially had reservations regarding a student housing development, but after learning more, he is an advocate for the project. Since their hilltop

property overlooks the western portion of the proposed student housing project, appearance is important to him and his brother. He understands the developer is committed to a first class project with high quality landscaping that is well maintained.

Mr. Bailey has no reservations about the quality of the project or Landmark's commitment. He encouraged the Board to consider the request and grant approval so Landmark can provide student housing by the fall of 2017.

In response to questions from Supervisor Chandler, Mr. Bailey stated their property consists of 12.5 acres in the County and 2.5 acres in the City that were annexed. He resides in Northern Virginia and his brother lives in Staunton. He said there are no structures on their property. Along with the road improvements in that part of the County, he thinks the Landmark project will be a catalyst to spur more development.

Carl Bailey, a commercial real estate broker in Augusta County, said his brother, John, is a retired engineer from Prince William County who is knowledgeable about land and development issues. He indicated Landmark has listened to their concerns and answered questions favorably. He is impressed that Landmark has properties in 19 states with close to 23,000 beds and over 7,000 units. He is also impressed with the quality of their finished product and how they manage their properties. He thinks Landmark will set a standard for other developments in the County, particularly student housing. He believes Landmark is a first class company, and he is in favor of the project.

No one spoke in opposition to the request.

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At 8:08 p.m., Chairman Kyger closed the public hearing.

Administrator Paxton began by stating his comments have nothing to do with the quality of Landmark's development or type of houses they build, but pertain to the overall development of the County, particularly the area east of the City, where the County is under increasing pressure to develop. Staff has received intermittent requests from developers concerning that area over the last year, but since January 1, 2016, numerous developers have approached the County to determine what they can construct on a particular property. Administrator Paxton indicated the area of interest starts on Spotswood Trail (Route 33), comes along the area from the Southeast Connector, across Port Republic Road, into Pleasant Valley and out to Cross Keys Road (Route 256). He emphasized the area has public water and sewer, and is close to the City with easy access to the City. The Comprehensive Plan calls for that area to be developed but does not provide much detail about how it should be developed.

He further explained that, with the Sentara RMH and LCD Acquisitions, LLC rezoning requests and a couple other requests the County anticipates receiving in the near future, staff believes it is important to plan for higher density development rather than react to the growth on a rezoning case-by-case basis, which may result in the area not being developed in the manner desired. Staff is recommending that the Board create a vision for development of the area to protect the character of the land instead of adopting each developer's unique idea for the area. Administrator Paxton expressed appreciation for some of the details included in the Landmark project that will protect the character of the area.

He continued by explaining it is not just about planning; staff and the Planning Commission need to determine if projects are compatible from a land use perspective. The Board's decision is much bigger because when public safety needs increase, each additional Deputy Sheriff 24/7 requires four people to be employed, and three people are hired to add one firefighter 24/7, which is expensive for the County. This year the County is adding nine firefighters to staff three positions and six of those firefighters will add staff in the corridor east of the City as a result of existing growth. The Board needs to plan from a public safety, education and transportation perspective because there will be other developments besides this proposed student housing in the area. A transportation network

will be needed to ensure the roads constructed serve the intended development. Administrator Paxton indicated the type of residential development placed in a community drives the commercial development attracted to that area. The Board needs to determine the type of housing and commercial development desired, and ensure they are compatible.

Administrator Paxton has discussed with staff a work session that would include the following:

- Review the current land use and zoning in the study area, along with the roads, current level of police and fire services and level of education in the area.
- Place an overlay on each piece of property someone has expressed interest in over the last year, indicating the type of development the owners or developers desire.

When considering all the factors involved, Administrator Paxton indicated staff is recommending that the Board table requests in this area to allow for a work session. He stated tabling provides an opportunity for staff to supply more information for the Board to make a better long-term decision.

Administrator Paxton told Mr. Williams it is unfortunate that Landmark is up against their deadline, but that is not a reason for the Board to make a quick decision.

He said staff recommends that the Board continue to table the Sentara RMH request and table the LCD Acquisitions, LLC request and other requests pending the results of the study.

Supervisor Cuevas served 12 years on the Board of Visitors at James Madison University (JMU) as the administration planned the future of the university, determining what they desired and what the State would allow them to do.

Supervisor Cuevas said even though the student housing ownership may be great at the beginning, if the economy changes and someone offers the right price, the housing will be sold because the private sector is in the business of making money. He noted the government has the responsibility to plan for developments and businesses at the proper time and in the proper mixture, so expenses can be absorbed by all taxpayers.

He indicated the Board should consider the impact on the City and the student housing population. Supervisor Cuevas is glad to see the quality and attractiveness of newer student housing but indicated when students move to nicer housing it leaves empty rentals in close proximity to the campus. The Board of Visitors has a great concern for the safety of students living close to low-income housing, which is what some units become when there is an overabundance of student housing. County staff is also uncertain of the university's timing and future housing needs. The freshmen have to live on campus and sophomores can live off the campus now, but that can change at any time, Supervisor Cuevas said.

Supervisor Cuevas hopes staff will work expeditiously to provide the Board with information for smaller and larger tracts of land so a decision regarding the Port Republic Road corridor can be made rapidly. He said the decision will have a long-lasting impact for all County citizens. He noted Sentara RMH has requested over 200 acres be rezoned so they can develop the land to provide services in the future as they determine. The County does not know what the impact will be on traffic or the type of housing or businesses that may be needed near the hospital in the next 10 or 15 years. He closed by indicating land use issues are difficult, but the amount of money needed for services and roads also has to be considered in the decision. The County has to generate tax revenue from citizens to pay for these amenities.

Supervisor Chandler said he appreciated what Administrator Paxton and Supervisor Cuevas shared. He emphasized the rezoning request is not being tabled because it is for student housing. The first time Supervisor Chandler spoke with Mr. Williams, he thought

the Landmark student housing was one of the nicest projects he has seen and he stated he still believes that. Timing is probably the biggest issue; the intent of the study is not to delay the student housing or any development. The County wants to consider the land use and how it affects the demand for services.

Supervisor Chandler made a motion, seconded by Supervisor Cuevas to table REZ16-069, LCD Acquisitions, LLC, until a date sometime after the Work Session on May 18, 2016.

Supervisor Cuevas noted substantial information should be available on May 18, 2016 to begin making a decision. He said transportation could be an issue because the Harrisonburg transit system will not necessarily add a new route in the County because there is student housing in that area. There are also security issues because students party. Since JMU plans ahead five to ten years regarding the student population and available housing, he suggested staff contact JMU to obtain information that will help the County plan for the near future. He thinks good things will happen in that area, but he does not know how soon.

Mr. Williams asked for clarification regarding how long the LCD Acquisitions, LLC project would be tabled. Chairman Kyger explained that the motion on the floor does not indicate a certain date when it will be removed from the table. The Work Session will be held on May 18, 2016 to discuss the development corridor east of Harrisonburg along Port Republic Road and Reservoir Street. He noted the rezoning request will remain on the table until it is removed by the Board. It could be removed for a vote on May 18 or any time after that.

Administrator Paxton noted the Board did not set a date-certain removal time but with the amount of information to be provided on May 18, he expects the Board will be able to at least think about the tabled request by the June 8, 2016 meeting. Administrator Paxton asked the Board to inform him of specific information they desire that has not already been mentioned. Staff will provide as much information as possible by May 18, and then give the Board time to consider the information. He believes the earliest the Board will remove the request from the table is June 8, 2016. He informed Mr. Williams that staff might contact him for additional information about the housing project.

Supervisor Cuevas stated it is important to obtain as much information as possible from Mr. Williams and confirm property owners in that corridor have not changed their mind about the desire for their property.

Supervisor Chandler hopes the process will be expedient because there are other developers who are interested in projects in that corridor.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - ABSENT; KYGER - AYE; the Board tabled REZ16-069, LCD Acquisitions, LLC, 455 Epps Bridge Parkway, Suite 201, Athens, GA 30606, to rezone TM# 125-(A)- L163, L164, L165, L165A, and a portion of L182, totaling 36.81 acres, located east of Reservoir Street (Route 710) approximately 1800 feet north of Stone Spring Road (Route 280), currently zoned General Agricultural District (A-2), to Planned Residential District (R-5). The Comprehensive Plan identifies this area as Mixed Use and within the Urban Development Area. Election District 3, until a date sometime after the Work Session on May 18, 2016.

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**PUBLIC HEARING – ORDINANCE AMENDMENTS.**

At 8:34 p.m., Chairman Kyger opened the public hearing and Ms. Cooper reviewed the following ordinance amendments:

- OA16-062 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2 Definitions of Terms, Section 17-201 Definitions generally

to clarify the definitions of Dwelling duplex, by adding language that side by side duplex units may be on separate lots and by adding language to the definition of Dwelling, rowhouse to state that this shall be three or more units.

Ms. Cooper noted the two definition changes are a housekeeping matter to distinguish between duplex units and rowhouses.

The Planning Commission recommended approval by a 5 to 0 vote on April 5, 2016.

No one spoke in opposition or in favor of the ordinance amendment.

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OA16-87      Amendment of the Rockingham County Code, Chapter 2, Administration, Section 2-44, Planning, subdivision, and zoning fees: updating terminology to reflect changes to Chapter 17, Zoning; adding 2-44(a)(4) Mixed Development Site Plan review fee of \$450+ \$25 per residential or non-residential unit and \$25 per acre of project area; removing Construction Plan review fee; differentiating between Planned Development District Amendments involving a public hearing and those not involving a public hearing; setting a fee of \$750 for Planned Development District Amendments not involving a public hearing; setting a fee of \$525 for Conventional District Amendments not involving a public hearing; reducing the Home Occupation Permit review fee from \$50 to \$25; removing Home Occupation Recertification fee; setting a Home Business Permit review fee of \$50; removing Poultry Facility fee of \$25; and adding Temporary Family Health Care Structure fee of \$100.

Ms. Cooper provided a detailed review of the ordinance amendment and explained that the majority of the proposed amendment is a housekeeping matter. Since new zoning districts were added to the zoning ordinance, staff proposed new fees and reduced or removed other fees. She stated no fees were increased.

The Planning Commission recommended approval of the proposed revisions by a 5 to 0 vote on April 5, 2016.

No one spoke in opposition or in favor of the ordinance amendment.

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At 8:40 p.m., Chairman Kyger closed the public hearing and reconvened the regular meeting.

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

**ORDINANCE  
REPEALING AND RE-ENACTING CERTAIN DEFINITIONS  
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 definitions:

*Dwelling, duplex.* Two (2) dwelling units constructed as side-by-side units, which may be on separate lots, or upper and lower units. Each dwelling unit shall be occupied by one (1) family. Also known as two-unit attached dwellings.

*Dwelling, rowhouse.* Three (3) or more attached units, each of which shall be a dwelling unit for a single family, on its own lot, separated from adjoining units by a vertical wall with no openings; and having separate, direct access to the outside. Also known as townhouse.

All other definitions remain the same.

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

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**ORDINANCE REPEALING AND RE-ENACTING  
SECTION 2-44  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That the following sections of Chapter 2, Administration, are repealed and re-enacted: Sec. 2-44. Planning, subdivision and zoning fees.

The fees for services administered by the department of community development shall be as follows:

- (a) Site plan review—Full review, including Fire Marshal’s review:
  - (1) Residential—\$450.00 plus \$25.00 per unit.
  - (2) Agricultural—No fee.
  - (3) Business, industrial, institutional—\$450.00 plus \$25.00 per acre.
  - (4) Mixed development - \$450 + \$25/residential or non-residential unit and \$25/acre of project area
- (b) Site plan review—Administrative review, including Fire Marshal’s review:
  - (1) Minor site plan review—\$250.00.
- (c) Subdivision plats:
  - (1) Preliminary—\$450.00 plus \$25.00 per lot.
  - (2) Final—\$325.00.
  - (3) Single lot (Sec. 16-9 deed exception)—\$100.00.
  - (4) Resubmittal (Sec. 16-9 deed exception)—\$75.00.
  - (5) Vacation of plat:
    - a. Before sale of any lot—\$50.00.
    - b. After sale of any lot, instrumental—\$75.00.
    - c. After sale of any lot, ordinance—\$150.00.
    - d. Vacation of boundary lines—\$25.00 per line.
  - (6) Variance under section 16-10—\$350.00

- (d) Planned development district (Sec. 17-400 *et seq*) rezoning requests, including Fire Marshal's review:
  - (1) Fee—\$750.00 plus \$25.00 per acre.
  - (2) Amendments involving a public hearing—\$750.00 plus \$25.00 per acre of affected area.
  - (3) Proffer amendments not involving a public hearing—\$750.00
- (e) Conventional district (Sec. 17-301 *et seq*) rezoning requests, including Fire Marshal's review:
  - (1) Agricultural (for agricultural uses)—\$150.00.
  - (2) Single- or two-family residential—\$525.00 plus \$25.00 per acre or \$10.00 per unit.
  - (3) Residential for more than two families—\$525.00 plus \$25.00 per acre or \$10.00 per unit.
  - (4) Commercial/industrial—\$525.00 plus \$25.00 per acre.
  - (5) Other—\$525.00 plus \$25.00 per acre or \$10.00 per unit.
  - (6) Proffer amendments not involving a public hearing—\$525.00
- (f) Home occupation permit review:
  - (1) Fee— \$25.00
- (g) Home business permit review:
  - (1) Fee—\$50.00
- (h) Special use permit review:
  - (1) When traffic impact analysis is not required—\$550.00.
  - (2) When traffic impact analysis is required—\$800.00.
- (i) Telecommunications facilities:
  - (1) Towers (special use permit process), including consultant review fees—\$5,500.00.
  - (2) Stealth structure (special use permit process), including consultant review fees—\$5,500.00.
  - (3) Adapted support structure, including consultant review fees—\$1,500.00.
  - (4) Collocation—\$500.00.
- (j) Wind energy conversion systems:
  - (1) Large wind energy conversion system requiring a special use permit—\$550.00, plus consultant review fees.
  - (2) Large wind energy conversion system not requiring a special use permit—any consultant review fees
  - (3) Small wind energy conversion system—any consultant fees.
- (k) Solar energy facilities:
  - (1) Large solar energy facility, requiring a special use permit—\$550.00, plus any consultant fees.
  - (2) Large solar energy facility, permitted by zoning district—any consultant fees.
  - (3) Small solar energy facility—any consultant fees.
- (l) Zoning ordinance text amendment:
  - (1) Fee—\$500.00.
- (m) Comprehensive plan amendment:
  - (1) Map amendment—\$350.00 plus \$25.00 per acre.
  - (2) Text amendment—\$300.00.
- (n) Board of zoning appeals:
  - (1) Variance—\$350.00.
  - (2) Appeals—\$250.00.
- (o) Agricultural and forestal districts:
  - (1) New district—\$500.00 per application.
  - (2) Adding parcels—\$250.00 per application.
  - (3) Removing parcels—\$500.00 per application plus postage.
- (p) Other applications:
  - (1) Zoning verification letter—\$50.00.
  - (2) Temporary family health care structure—\$100.00.

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

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**TABLED SPECIAL USE PERMIT.**

At Chairman Kyger's discretion, an item to be addressed under the Community Development Director's staff report was moved forward on the agenda. Two citizens were waiting for a special use permit to be removed from the table.

On behalf of Supervisor Eberly, on motion by Supervisor Cuevas, seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board removed from the table SUP16-066, Cornerstone Foundation, Inc., 5244 Prospect Knoll Drive, Linville 22834 for a contractor's operation with waivers to supplemental standards to allow an increase in the number of employees from 5 to 14 and to allow an increase in the number of vehicles and pieces of equipment kept on the property from 5 to 9, on property located on the east side of Fort Lynne Road (Route 910) approximately 1.1 miles north of Mt. Clinton Pike (Route 763), Election District #2, Tax Map #93-(A)-89F, zoned A-2.

Supervisor Cuevas reported that Supervisor Eberly performed due diligence and determined approval of the special use permit would not increase activity at the proposed site. The increase in the number of employees and number of vehicles will primarily take place at the worksites.

On behalf of Supervisor Eberly, on motion by Supervisor Cuevas, seconded by Supervisor Breedon and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - ABSENT; KYGER - AYE; the Board, with the following conditions, approved SUP16-066, Cornerstone Foundation, Inc., 5244 Prospect Knoll Drive, Linville 22834 for a contractor's operation with waivers to supplemental standards to allow an increase in the number of employees from 5 to 14 and to allow an increase in the number of vehicles and pieces of equipment kept on the property from 5 to 9, on property located on the east side of Fort Lynne Road (Route 910) approximately 1.1 miles north of Mt. Clinton Pike (Route 763), Election District #2, Tax Map #93-(A)-89F, zoned A-2:

**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 the applicant obtaining sewage disposal system and well permits from the Health Department. A copy of said permit shall be submitted to the Community Development Department prior to obtaining building permits.
4. This project shall meet the requirements of the Rockingham County Fire Prevention Code.
5. This permit is contingent upon the applicant obtaining a commercial entrance permit from VDOT. A copy of said permit shall be submitted to the Community Development Department prior to obtaining building permits.
6. As required by VDOT, there shall be only one entrance to this property.
7. As proffered by the applicant, hours of operation shall be from 7 a.m. until 5 p.m.
8. If approved as submitted, applicant shall be allowed up to 14 employees and up to 9 company vehicles and pieces of equipment on the property.
9. Any outside storage of materials shall be located within a fenced area and screened from view.

10. No junk or debris shall be allowed to accumulate on the premises.
11. 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.
12. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
13. There shall be no off-premise signs permitted unless all County and State regulations are met.
14. Parking shall comply with the Rockingham County Code.
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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#### **COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Administrator Paxton's staff report dated April 22, 2016.

Administrator Paxton noted the County has received an increasing number of requests for variances to standards that are being changed through approval of a special use permit. He said the County Attorney expressed concern and requests that the Board refer the variance process back to staff. He suggested that staff determine what the standards represent and how to publish them to provide guidance to the community. The standards could remain in the ordinance or become a policy of the Board.

Mr. Miller said he would like the Board to direct staff to study the supplemental standard process and mechanism to be able to grant a waiver because there are issues with making waivers to law.

By a consensus of the Board, staff was directed to study the supplemental standard process and mechanism to grant a waiver.

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On April 13, 2016, staff presented a proposal to apply for an Urban Development Area (UDA) planning grant for up to \$65,000 through the Office of Intermodal Planning and Investment to purchase services from a consultant to assist with a plan for the Urban Development Area east of the City and provide a more in-depth vision for the area.

Administrator Paxton indicated the Board tabled the UDA study and noted some past studies were not as well received by the Board or staff as they could have been because they were not consistent with the County's desires. This study may be different but due to the imminent need to study the UDA, he doubts the grant could be approved in time to allow the consultant to provide a timely work product. Administrator Paxton suggested hiring students from James Madison University or another local higher learning institution to supplement Community Development staff's work on a study this summer. He asked the Board for the discretion to hire up to two part-time people to work with staff. One may be a data person and another may work in the planning area. No one would be hired unless it is determined they are needed.

Supervisor Cuevas noted that since staff would like assistance from a consultant who has expertise and experience, he is not opposed to applying for the UDA grant while spending a set amount of money to be reimbursed to the County if the grant is awarded.

Administrator Paxton explained that the UDA grant is specific and the consultant is selected by the Office of Intermodal Planning and Investment. Ms. Cooper indicated she does not know who has been selected to perform the consulting work.

Supervisor Cuevas suggested providing the flexibility to use general funds to match the grant as needed, if and when the grant is awarded. Staff can begin the process and hire students to assist with the work. If the County receives the grant, the study will be ahead of schedule. If the grant is not received, the County will continue with the study and cover the cost.

By consensus of the Board, staff was instructed to hire up to two part-time research assistants for the UDA study.

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

Mr. King commended Chief Holloway's commitment with the Rocky Mount fire.

Chairman Kyger noted the group who conducted the Fire Study indicated the County has the most dedicated Fire Chief they have met. Chairman Kyger said he is proud of the County's entire team, as the County has a quality operation.

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**FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson's staff report dated April 20, 2016.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board declared the following items surplus to be disposed of through the public surplus auction website:

Items to Declare Surplus – April 2016

Description	Quantity
2001 Ford F250 Pickup - Blue	1
1996 Chevy S-10 Pickup - White	1
1998 Jeep Cherokee SUV - Red	1
2000 Ford Explorer SUV – White	1
1997 Ford Taurus Car – White	1
1998 Ford Crown Victoria Car – White	1
2007 Ford Crown Victoria Car – White	1
2005 Chrysler 300 Car – Black	1
2010 Dodge Charger Car – White	1
1987 Chevrolet Step Van – White	1
2008 Ford Crown Victoria Car – White	1
Copier – Ricoh (Aficio MP 3500)	1

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**FINANCE COMMITTEE REPORT.**

On behalf of the Finance Committee, Supervisor Cuevas made a motion, seconded by Supervisor Breedon to approve the following supplemental appropriations and transfer:

**County Capital Projects Fund**

A supplemental appropriation in the amount of \$548,372 for the County’s portion of an upgrade to the ECC radio system. Funding will be provided by the County Capital Projects Fund Reserve.

Supplemental Appropriation: \$548,372

\$ 548,372 GL Code: 1101-09401-00000-000-508340-000 ECC Project  
\$ 548,372 GL Code: 1101-00000-15201-000-352000-000 County Capital Projects  
Fund Reserve

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**Line of Duty Act**

A transfer in the amount of \$110,000 from the Line of Duty Act to the General Fund for insurance costs associated with this act. This transfer will align the budget with the applicable public safety department.

Transfer: \$110,000

\$ 20,000 GL Code: 1001-03102-00000-000-502302-000 Line of Duty Act - Sheriff  
\$ 29,000 GL Code: 1001-03302-00000-000-502302-000 Line of Duty Act - Jail  
\$ 23,000 GL Code: 1001-03201-00000-000-502302-000 Line of Duty Act - Fire & Rescue  
\$ 19,000 GL Code: 1001-03202-00000-000-502302-000 Line of Duty Act -Volunteer  
Fire  
\$ 19,000 GL Code: 1001-03203-00000-000-501100-000 Line of Duty Act - Volunteer  
Rescue  
(\$110,000) GL Code: 1001-09120-00000-000-502302-000 Line of Duty Act

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**Water & Sewer Fund**

A supplemental appropriation in the amount of \$26,386 for the purchase of a replacement vehicle for Utilities. Funding will be provided by the Water & Sewer Fund Reserve.

Supplemental Appropriation: \$26,386

\$ 26,386 GL Code: 1401-04402-00000-000-508005-000 Vehicles  
\$ 26,386 GL Code: 1401-00000-15201-000-352000-000 Water & Sewer Fund Reserve

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Chairman Kyger asked that the record show the supplemental appropriation item for the Line of Duty Act is, by the Chair’s opinion, an unfunded mandate by the Commonwealth of Virginia and the General Assembly.

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Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board approved the supplemental appropriations and transfer presented.

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

The Board received and reviewed Mr. Armstrong’s staff report dated April 27, 2016.

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

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

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**OTHER COMMITTEE REPORTS.**

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

AIRPORT

Administrator Paxton noted he provided the Board an email from the Shenandoah Valley Regional Airport Executive Director regarding issues the airport has experienced with the current carrier. Since the airport will be renewing the contract this summer, it will be interesting to see what happens, he said.

AUTOMOBILE

On behalf of the Automobile Committee, on motion by Supervisor Chandler, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board authorized the purchase of a 2016 Ford F250 (gasoline engine) 4X4 pickup at a cost of \$26,386 from Myers Ford.

Myers Ford was the only solicited vendor with a truck available to meet the requested specifications. The new truck will replace a 2001 Ford F250 with 256,000 miles .

NOTE: A supplemental appropriation was requested and approved under the Finance Committee report earlier in the meeting. The 2001 Ford F250 truck was on the surplus list approved under the Finance Director's report.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

Supervisor Chandler said the CSPDC met and approved their budget.

CHAMBER OF COMMERCE

Supervisor Chandler announced the Chamber of Commerce celebrated their 100-year anniversary by unearthing the time capsule buried on the Courthouse lawn in 1966. The capsule contained documents regarding the local economy, schools and businesses, as well as other memorabilia. There were 135 people in attendance.

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Chandler reported the MPO met and adopted a unified working plan.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Anas announced the SVP Executive Director was attending a meeting in Dallas with site selection consultants this week. She informed him that the County received good exposure.

SOCIAL SERVICES

Supervisor Breeden reported that the last Social Services meeting regarding young children and methamphetamines was impactful and remains on his mind.

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**COMMITTEE APPOINTMENTS.**

On behalf of Supervisor Eberly, on motion by Supervisor Breeden, seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board recommended to the Circuit Court the appointment of Henry L. Lilly, to represent District 2 on the Zoning Appeals Board.

On motion by Supervisor Chandler, seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board recommended Casey B. Armstrong to serve on the Central Shenandoah Planning District Executive Committee.

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**CLOSED MEETING.**

A closed meeting was listed on the agenda but since it was not a pressing item, and due to the duration of the meeting, Administrator Paxton and Mr. Anas indicated the closed meeting could be delayed until the May 18, 2016 Board Meeting. By consensus of the Board, the scheduled closed meeting pursuant to 2.2-3711.A, (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community was delayed until the May 18, 2016 Board meeting.

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**ADJOURNMENT.**

Chairman Kyger declared the meeting adjourned at 9:03 p.m.

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Chairman