

May 18, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 18, 2016 at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
FREDERICK E. EBERLY, Election District #2  
RICKY L. CHANDLER, Election District #3 (left at 4:15 p.m. / returned at 6 p.m.)  
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  
PATRICIA D. DAVIDSON, Director of Finance  
CASEY B. ARMSTRONG, Director of Community Development  
ANN MARIE FREEMAN, Director of Court Services  
BARRY E. HERTZLER, Director of Public Works  
JEREMY C. HOLLOWAY, Fire & Rescue Chief  
KATHARINE S. McQUAIN, Director of Parks and Recreation  
JENNIFER J. MONGOLD, Director of Human Resources  
MICHAEL L. BOWEN, Deputy Director of Technology  
RHONDA H. COOPER, Director of Planning  
DIANA C. STULTZ, Zoning Administrator  
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 3:01 p.m.

Administrator Paxton gave the Invocation and Community Development Director Armstrong 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 April 27, 2016.

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**CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING.**

Administrator Paxton informed the Board of the receipt of a Certificate of Achievement from the Government Finance Officers Association for Excellence in Financial Reporting. It is the 34<sup>th</sup> consecutive year the County has received the award.

Administrator Paxton credited the members of the Finance Department and stated that it was solely due to their efforts that the County earns the award. He stated that the County's AAA bond rating is in part due to the recognition of the County's excellence in financial reporting. Administrator Paxton thanked Finance staff for their hard work and dedication.

Chairman Kyger pointed out that 34 years of receiving the award was a significant accomplishment and thanked finance staff for their diligence.

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**TRANSPORTATION DEPARTMENT.**

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

He reported that Shentel is installing an underground fiber optic line adjacent to I-81 and James Madison University, and advised motorists to be cautious when traveling along that portion of the interstate during construction.

Recent maintenance includes mowing, grading non-hard surface roads and repairing washout areas.

Mr. Komara pointed out that Mr. King attended the Six-Year Primary Improvement Program (SYIP) public hearing on May 16, 2016, where HB2 projects were reviewed. In response to a question from Administrator Paxton, Mr. Komara indicated HB2 projects for the coming year will be approved at the next Commonwealth Transportation Board meeting held the third week of June, and noted that the projects must be completed within six years of approval.

A public hearing for secondary roads will be held during the evening session at the June 8, 2016 Board meeting. Mr. Komara provided a list of secondary road projects for the Board's consideration, pointing out that roads were selected based on traffic counts and concerns reported by callers and Board members.

In response to a question from Supervisor Cuevas, Mr. Komara explained that grading on Overly Hollow Road (Route 823) will start where the hard surface stops and continue for .5 miles. Supervisor Cuevas urged VDOT to be cautious of a steep bank in the area.

Supervisor Breeden brought attention to the proposed parking area at the site of the National Park Memorial on Spotswood Trail (Route 33). He expressed concerns that the parking area may not be safe for school buses and other vehicles pulling off Route 33. He suggested looking over the plans at an upcoming meeting with Mr. Komara and Park Superintendent Northup.

Supervisor Kyger pointed out that a section of roadway between Route 257 from Route 11 to I-81 is deteriorating due to heavy truck traffic.

Deputy Administrator King reported that two proposals were received for engineering design and construction services for the Route 33 third lane between the new Stone Spring Road (Route 280) and Massanetta Springs Road (Route 687). Of the two proposals received, staff recommended ranking Valley Engineering first and RK&K second.

Deputy Administrator King noted that pricing is not considered at this stage of procurement for the design. The goal would be to complete negotiations, including agreement on pricing, with Valley Engineering prior to the June 8, 2016 Board meeting.

On motion by Supervisor Chandler, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board authorized the County Administrator and County Attorney to proceed with contract negotiations with Valley Engineering for Engineering services for the Route 33 third lane between the new Stone Spring Road (Route 280) and Massanetta Springs Road (Route 687).

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**COUNTY ADMINISTRATOR’S STAFF REPORT.**

The Board received and reviewed Administrator Paxton’s staff report dated May 13, 2016.

Included in his report was a request from the Central Shenandoah Criminal Justice Training Academy for authorization to use the Rockingham Economic Development Authority to issue tax-exempt bonds to purchase a new training facility in Rockingham County and to re-finance and consolidate its existing debt. Administrator Paxton explained that the County’s approval is necessary since this bond issue will use a portion of the County’s bank qualified limit for 2016.

Administrator Paxton reported that after a review of the request, and with no foreseeable pending bank-qualified debt that will be issued prior to the end of 2016, staff recommended approval. Board action will be necessary pending the Economic Development Authority’s decision at their June 22, 2016 meeting.

As a consensus, the Board agreed to move forward with an advertisement for the bond.

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Ms. Davidson’s staff report dated May 18, 2016.

On motion by Supervisor Cuevas, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board declared the following item surplus to be disposed of through the public surplus auction and authorized staff to discard the four items listed below:

Item to Declare Surplus – May 2016

Description	Quantity
2007 Ford 4D SDN	1

Items to Discard – May 2016

Description	Quantity
Floor Model Scanner	1
Floor Model Copier	1
Voter Cards	1
TV with Stand	1

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Finance Director Davidson pointed out that the four items on the discard list are non-working items that have been determined to have no value and likely will not sell on the public surplus website.

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Supervisor Eberly indicated he has sensed some frustration from several individuals whose address changed from Harrisonburg to Rockingham. He asked if there is a way to track state sales tax for those addresses that changed to show the benefit. Finance Director Davidson explained how sales tax for a specific area could possibility be tracked. Administrator Paxton pointed out one specific business involved with the address change that has already generated over \$250,000 in sales tax for the County.

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**HUMAN RESOURCES DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Mongold’s staff report dated May 18, 2016.

Mrs. Mongold reported that county and school division staff reviewed Anthem’s renewal proposal for the plan year beginning October 1, 2016 with the County’s consultant, and recommended approval as noted in her report. She explained that Anthem uses claim data from the previous two years to average the claims experience and blend with expected increased health care costs to project what County, Schools and employees should expect in claims for the upcoming year. Anthem’s initial renewal expected an 8.9

percent increase in premiums; however, after recalculating claims using the two most recent months experience, the projection was reduced to a 5.6 percent increase in premiums.

On behalf of the Finance Committee, 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 awarded the health insurance contract to Anthem for the plan year 2016-17, effective October 1, 2016, at the following rates:

<b>Post 1996</b>	Employee Monthly Rate	Employee Per Paycheck	Employer Monthly Rate	Total Premium	Employee Increase per Month	Increase Per Employee Paycheck
Employee Only	\$58.82	\$29.41	\$529.43	\$588.25	\$3.12	\$1.56
Employee + Spouse	\$305.64	\$152.82	\$967.94	\$1,273.58	\$16.20	\$8.10
Employee + 1 Child	\$248.46	\$124.23	\$786.76	\$1,035.22	\$13.18	\$6.59
Employee + Children	\$375.32	\$187.66	\$1,068.24	\$1,443.56	\$19.90	\$9.95
Employee + Family	\$441.56	\$220.78	\$1,256.79	\$1,698.35	\$23.42	\$11.71

<b>Pre 1996</b>						
Employee Only	\$0.00	\$0.00	\$588.25	\$588.25	\$0.00	\$0.00
Employee + Spouse	\$254.70	\$127.35	\$1,018.88	\$1,273.58	\$13.50	\$6.75
Employee + 1 Child	\$207.04	\$103.52	\$828.18	\$1,035.22	\$10.98	\$5.49
Employee + Children	\$317.58	\$158.79	\$1,125.98	\$1,443.56	\$16.84	\$8.42
Employee + Family	\$373.64	\$186.82	\$1,324.71	\$1,698.35	\$19.82	\$9.91

Note: premium deductions from employees will begin in September, 2016 since premiums are paid in advance.

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

The Board received and reviewed Mr. Hertzler's staff report dated May 18, 2016.

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

The Board received and reviewed Mr. Armstrong's staff report dated May 18, 2016.

Mr. Armstrong requested authorization for staff to study the County's setback policies in the A1 and A2 zoning districts. He indicated there has been an increase in the number of people who own smaller lots in the agricultural district who request to enclose a deck or patio into a screen porch. The zoning ordinance requires a minimum 35-foot setback from property lines for all structures attached to a dwelling; therefore, individuals owning smaller lots would encroach into the setback. He pointed out an issue in logic, as the zoning ordinance only requires a 5-foot setback for stand-alone structures up to 580 square foot, versus the 35-foot setback for attached structures.

As a consensus, the Board agreed staff should study the County's setback requirements and provide a sensible recommendation for the Board's consideration.

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**REZONING REQUEST REMOVED FROM THE TABLE.**

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 removed from the table 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).

Supervisor Chandler made a motion to approve the rezoning request of LCD Acquisitions, LLC, (REZ16-069), subject to the proffers as submitted by the applicant, seconded by Supervisor Breedon. The Comprehensive Plan identifies this area as Mixed Use and this property is located with the Rockingham County Urban Development Area.

Supervisor Cuevas reiterated the importance of providing supervision and security of the facility, especially during the opening.

Chairman Kyger reported that the contract seller of the property highly recommended LCD Acquisitions, LLC.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; subject to the attached proffers, the Board approved 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).

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

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**TECHNOLOGY DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Perry’s staff report dated May 2016.

Administrator Paxton pointed out that the Munis software implementation continues with the next phase involving the tax and revenue collection and property tax assessment systems. These new systems will require a large amount of staff time, and the Commissioner of Revenue and Treasurer will be involved in the system replacements.

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**FIRE AND RESCUE CHIEF’S STAFF REPORT.**

The Board received and reviewed Chief Holloway’s staff report dated May 2016.

Chief Holloway reported that a committee was recently established to review state laws and regulations from the Office of Emergency Medical Services.

Administrator Paxton reported that he and Chief Holloway followed up with FEMA regarding the SAFER grant, as the County has yet to receive an award date. Chief Holloway indicated this grant is usually approved similar to a rolling admission program. Federal legislators were contacted, in hopes of receiving a timely response.

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**PARKS & RECREATION DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. McQuain’s staff report dated May 2016.

Ms. McQuain reported that the Recreation Commission requested to move their meeting date from the fourth Thursday of every month to the third Thursday of every month.

Administrator Paxton indicated it is staff's recommendation to amend the bylaws so that meeting dates and times are established at the first meeting of every calendar year.

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 adopted the following amendments to the Recreation Commission Bylaws:

**Article VII. Meetings, Section 1, shall state:**

The Commission shall convene for its organizational meeting during the month of January at a date and time determined at its last meeting the preceding year. During the organizational meeting the Commission shall conduct any necessary organizational business such as electing officers as set forth above, and determine the date, time and place for regular meetings during the current year. The Commission shall meet no less frequently than once every six (6) months. The organizational meeting shall also serve as a regular meeting at which any business of the Commission may be conducted.

**Article IX. Rules, Section 1, shall state:**

BYLAWS may be amended by a three-fifths (3/5) roll call vote of the entire membership of the Commission after thirty (30) days written notice by the Secretary, or by the Board.

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**COMMITTEE APPOINTMENT.**

On motion by Supervisor Chandler, seconded by Supervisor Breedon and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board appointed Josh Hale (address: 1809 Cumberland Drive, Harrisonburg, VA 22801) to the Rockingham Recreation Commission for District 3 with a term to expire December 31, 2020.

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

The Board received and reviewed Mrs. Freeman's staff report dated May 18, 2016.

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**COMMITTEE REPORTS.**

The Board heard committee reports from Board members and staff.

FINANCE

On behalf of the Finance Committee, 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 approved the following supplemental appropriations:

**1. Sheriff**

A supplemental appropriation in the amount of \$1,521 for law enforcement equipment including radio batteries, ASPs, digital cameras, and SD cards. Federal funding in the amount of \$1,369 will be provided by the Byrne Justice Assistance Grant Program. Local funding in the amount of \$152 will be split between the County’s General Fund Reserve and funds received from the City.

Supplemental Appropriation:        \$1,521

\$1,521	GL Code: 1001-03102-10301-000-506014-000	Other Operating Supplies
\$1,369	GL Code: 1001-00000-13900-000-339100-000	Other Federal Funds
\$ 76	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve
\$ 76	GL Code: 1001-00000-11899-000-318600-000	Share of Costs - Harrisonburg

**1. Sheriff**

A transfer in the amount of \$27,200 from part-time salaries to minor equipment for the purchase of 17 new rifles. This will ensure that all patrol deputies are equipped with rifles. This transfer is possible through vacancy savings with the Compensation Board.

Transfer: \$27,200

\$27,200	GL Code: 1001-03102-00000-000-506065-000	Minor Equipment
(\$27,200)	GL Code: 1001-03102-00000-000-501300-000	Part-time Salaries

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Administrator Paxton explained that vacancy savings occur when an employee leaves and the position is either left vacant for a period or filled at a lower rate.

Compensation Board regulations limit time those funds are available before the funds are returned to the state for other uses and reallocation.

PUBLIC WORKS

Supervisor Cuevas reported that, after review of three proposals received for the landfill office building, scale house, and recycling attendant building, staff recommended awarding the project to Harman Construction. There was little difference between the structural and material design of the three building proposals submitted, however, Harman Construction was recommend based on the following design-build bids:

1. Harman Construction	\$393,908
2. Lantz Construction	\$492,415
3. Nielsen Builders	\$516,000

All three firms had been previously pre-qualified for the work that was quoted.

Staff also received one proposal for the landfill entrance site electric from Trumbo Electric. After a review, staff recommended accepting the design-build proposal from Trumbo. Both firms prequalified for this work were offered the opportunity to submit a proposal, only Trumbo submitted.

On behalf of the Public Works Committee, on motion by Supervisor Cuevas, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board:

- 1) Accepted the proposal from Harman Construction and authorized staff to negotiate a contract in the amount of \$393,908 for the construction of a landfill office, scale house, and recycling attendant’s building; and,
- 2) Accepted the proposal from Trumbo Electric and authorized staff to negotiate a contract in the amount of \$84,950 for the landfill entrance site electric project.

SHENANDOAH VALLEY PARTNERSHIP

Assistant County Administrator Anas reported that Governor Terry McAuliffe made a visit to the Valley on May 13 for a tour and discussion regarding economic development. Mr. Anas thanked the Shenandoah Valley Partnership along with Executive Director Carrie Chenery for their diligent work coordinating the visit.

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**CLOSED 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 recessed the meeting from 3:57 p.m. to 5:02 p.m., for a 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, AND; (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR CUEVAS                      RESOLUTION NO: 16-7  
SECOND: SUPERVISOR BREEDEN                  MEETING DATE: MAY 18, 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, CUEVAS, EBERLY, KYGER  
NAYS:            NONE  
ABSENT:        CHANDLER

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**RECESS.**

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

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**PUBLIC HEARING - SPECIAL-USE PERMITS.**

Students from Turner Ashby High School and Harrisonburg High School introduced themselves to the Board.

Chairman Kyger opened the public hearing at 6:00 p.m. and Ms. Stultz reviewed the following special-use permits:

SUP16-075 Ken and Terry Rentals, LLC., 1178 Beldor Road, Elkton 22827 for a waiver to supplemental standards for an accessory dwelling to increase the distance between dwellings from 60' to 128' on property located on the south side of Model Road (Route 640) approximately 7/10 mile east of Spotswood Trail (Route 33), Election District #5, zoned A-1. Tax Map #129-(5)-6. Property address: 12336 Model Road.

Supervisor Breeden pointed out that the applicant is working with the County to obtain the required permits, which the previous property owner failed to do. Supervisor Breeden noted that the applicant could not be present.

No one spoke in favor or in opposition to the request.

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SUP16-082 Sandra G. Heatwole, 917 Muddy Creek Road, Rockingham 22802 for a flea market on property located on the west side of Muddy Creek Road (Route 752) approximately 9/10 mile north of Rawley Pike (Route 33), Election District #2, zoned A-2. Tax Map #91-(6)-8.

The applicant was present to answer questions.

Thomas Kesner, a neighbor of the applicant, indicated he is not opposed to the special use permit, but had several questions regarding the request. He asked the Board to define flea market and said he is concerned that larger events or parties would be permitted on the property. Mr. Kesner also inquired about the hours of operation and asked if they would be a condition of the special use permit.

Chairman Kyger noted that the request before the Board is not for an event center, and explained that parties and/or weddings would not be permitted. County Attorney Miller provided the definition of flea market as defined in the County Code:

*Flea market.* A structure or land, excluding community centers and publicly owned property, used more than three times per twelve-month period for the purpose of sale of any of the following items or similar items: clothing, housewares, appliances, novelties, antiques, farm implements, and furniture.

Ms. Stultz said the applicant specified they plan to have one or two sales per month from 8 a.m. to 5 p.m. on a Friday and Saturday, with an occasional Sunday. Currently, hours are not a condition of the special use permit.

Greg Grove, a nearby property owner, indicated he is not opposed to the flea market, but questioned whether it could expand over time. The property is zoned A-2 and he prefers it remain agricultural. In response, Ms. Stultz explained that the flea market could not expand outside of the proposed site plan.

The applicant, Ms. Heatwole, pointed out that it is not her intention to expand the flea market outside of the site plan. In response to Supervisor Eberly, Ms. Heatwole indicated, in order to meet VDOT requirements, the planned parking lot is on a separate parcel. The area designated for parking will only be used for that purpose.

Tammy Kline, the applicant's daughter specified that time will not be an issue, as they only plan to be open during daylight hours.

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SUP16-090 MV3 Properties, LLC, 10314 Harvest Hill Lane, Broadway 22815 for a small contractor's office (engineering/laboratories - geotechnical engineering and construction testing) with request for waiver to increase the number of employees from 5 to 15, to increase the maximum number of vehicles and pieces of equipment dispatched from site or stored overnight from 5 to 25, and to increase the size building allowed from 3500 sq. ft. to 6250 sq. ft. on property located on the east side of Harpine Highway (Route 42) approximately 6/10 mile north of Williamsburg Road (Route 782), Election District #2, zoned A-2, tax map #64-(A)-47. Property address: 7740 Harpine Highway.

In response to questions from Supervisors Eberly and Chandler, Ms. Stultz indicated the original owner of the property was issued a special use permit for a business not to exceed 3,500 square foot. The remainder of the 6,250 square foot building was used for storage at the time. The current owner is applying for a special use permit for the increase in size, employees, vehicles and equipment.

Mark Viola was present to speak on behalf of MV3 Properties, LLC. He explained that the business currently has offices in Harrisonburg and Winchester, with Harrisonburg being the main office. Currently, they are at capacity in a 3,000 square foot office space with nine employees and several trucks. He noted that the office is used for administrative responsibilities and dispatch with no contractor's work conducted on-site. Normal office hours are 8 a.m. to 5 p.m. with few exceptions. In response to a question from Supervisor Eberly, Mr. Viola indicated the property would house a small tractor used to haul a drill rig, an air compressor, and water tanks.

Marsha Garst spoke in opposition to the request. She stated she is a lifelong resident of the County, and that since 2005 her family has operated a 307 plus acre beef cattle farm surrounding the property in the request. Mrs. Garst provided the Board with a detailed packet of information, pointing out why the request is in violation of County Code 17-603, and why it is not compatible with adjacent land, surrounding uses, or the comprehensive plan. Additionally, she described how the special use permit will be detrimental to the character of the agricultural land, is not consistent with the intent of the zoning chapter, and is against the public interest (Informational packet is located in the *Attachments Board of Supervisors Minutes* notebook maintained in administration).

Mrs. Garst stated, "if you permit this to occur, you will encourage industrial creep in prime agricultural areas, and you are ruining the value of my property".

In response to a question from Supervisor Eberly, Mrs. Garst said she owns the land directly behind the property in the request.

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At 6:40 p.m., Chairman Kyger closed the public hearing.

Supervisor Breeden addressed SUP16-075, stating that it is his opinion that the applicant is trying to fix a wrong-doing, not done on his part. Supervisor Breeden stated that this route allows the least amount of houses, which is good for the property.

On motion by Supervisor Breeden, 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, subject to the following conditions, approved SUP16-075 Ken and Terry Rentals, LLC., 1178 Beldor Road, Elkton 22827 for a waiver to supplemental standards for an accessory dwelling to increase the distance between dwellings from 60' to 128' on property located on the south side of Model Road (Route 640) approximately 7/10 mile east of Spotswood Trail (Route 33), Election District #5, zoned A-1. Tax Map #129-(5)-6. Property address: 12336 Model Road.

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 to convert from a storage building to a residence.
3. As required by the Health Department, the proposed residence shall obtain Health Department approval for both a sewage disposal system and a water supply.
4. Residence shall not be occupied until such time as 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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Regarding SUP-082, Supervisor Eberly indicated he finds the request troubling, since traffic is already an issue on Muddy Creek Road. Even though the plan is well laid out, he indicated a heavily traveled road is not an ideal location for a flea market.

On motion by Supervisor Eberly, 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 tabled SUP16-082 Sandra G. Heatwole, 917 Muddy Creek Road, Rockingham 22802 for a flea market on property located on the west side of Muddy Creek Road (Route 752) approximately 9/10 mile north of Rawley Pike (Route 33), Election District #2, zoned A-2. Tax Map #91-(6)-8.

Supervisor Cuevas noted the difficulty when considering special use permits, since the use remains with the property indefinitely, regardless of ownership.

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Supervisor Eberly reported that he visited the property in the request of MV3 Properties, LLC; however, did not meet with the adjoining property owners. He indicated this location seems like a good fit for this business, but noted that there are several other considerations.

Supervisor Eberly made a motion to table SUP16-090, seconded by Supervisor Chandler.

By a vote of 3 to 2, voting recorded as follows: BREEDEN - NAY; CHANDLER - AYE; CUEVAS - NAY; EBERLY - AYE; KYGER – NAY; the motion to table failed.

Supervisor Chandler indicated that there are several concerning factors regarding the request, dating back to the original special use permit. He stated that he would not want heavy equipment traveling in and out daily near his home. Supervisor Chandler made a motion to deny SUP16-090.

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 denied SUP16-090 MV3 Properties, LLC, 10314 Harvest Hill Lane, Broadway 22815 for a small contractor's office (engineering/laboratories - geotechnical engineering and construction testing) with request for waiver to increase the number of employees from 5 to 15, to increase the maximum number of vehicles and pieces of equipment dispatched from site or stored overnight from 5 to 25, and to increase the size building allowed from 3500 sq. ft. to 6250 sq. ft. on property located on the east side of Harpine Highway (Route 42) approximately 6/10 mile north of Williamsburg Road (Route 782), Election District #2, zoned A-2, tax map #64-(A)-47. Property address: 7740 Harpine Highway.

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**ADJOURNMENT.**

Chairman Kyger declared the meeting adjourned at 6:46 p.m.

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Chairman