

August 10, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 10, 2016, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- GEORGE K. ANAS, II, Assistant County Administrator
- CASEY B. ARMSTRONG, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- ANN MARIE FREEMAN, Director of Court Services
- BARRY E. HERTZLER, Director of Public Works
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- KATHARINE S. McQUAIN, Director of Parks and Recreation
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- RHONDA H. COOPER, Director of Planning
- DIANA C. STULTZ, Zoning Administrator
- KELLY S. GETZ, Code Compliance Officer
- JAMES B. MAY, Senior Planner
- JESSICA G. KILBY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- JOSHUA W. DUNLAP, Assistant Residency Administrator
Virginia Department of Transportation

CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Kyger called the meeting to order at 3:00 p.m.

Supervisor Eberly gave the Invocation and County Attorney Miller led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

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

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RECOGNITION – HARRISONBURG FIRE CHIEF LARRY W. SHIFFLETT.

On behalf of the Board, Chairman Kyger read a resolution honoring newly-retired Harrisonburg Fire Chief Larry W. Shifflett for his 47 years of service to the community. Chairman Kyger stated that Chief Shifflett is a model citizen for the Central Shenandoah Valley and he is honored to have worked with him over the years.

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 following resolution:

R E S O L U T I O N

WHEREAS, Larry W. Shifflett has been employed by the City of Harrisonburg Fire Department for 47 years; serving as Chief from July 7, 1983, to August 1, 2016; and

WHEREAS, Chief Shifflett is recognized statewide for his expertise in emergency management, and for his creativity and innovation in providing a high level of emergency services for the City of Harrisonburg and Rockingham County; and

WHEREAS, Chief Shifflett was instrumental in working cooperatively with the County and other jurisdictions in the Valley to establish uniform operating procedures, including regionalization of the Technical Rescue Team to share resources and personnel for specialized rescue; and

WHEREAS, Chief Shifflett supported Rockingham County with the adoption of mutual aid agreements for sharing resources to support fire and emergency medical services in Harrisonburg and Rockingham County; and

WHEREAS, Chief Shifflett willingly shared equipment with the County when County equipment was out of service for maintenance or repairs; and

WHEREAS, Chief Shifflett has always placed the interest of serving and protecting the citizens, visitors and emergency responders first and foremost, including providing staff and his expertise to assist with projects and responses in Rockingham County on numerous occasions; and

WHEREAS, it would be difficult to recognize an individual who more aptly exemplifies commitment toward a career of service dedicated to one locality in the Commonwealth; and

WHEREAS, Chief Shifflett leaves a legacy of professionalism and a record of accomplishment for many years of public service to the citizens of Harrisonburg, Rockingham County, and the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, hereby recognizes Larry W. Shifflett for his outstanding contributions benefiting our community for the past 47 years, and extends to him its sincere appreciation for his dedicated service, and wishes him well in his retirement.

Chairman Kyger presented Chief Shifflett with the Resolution and expressed appreciation for the many years of dedication he provided to the citizens of Harrisonburg and Rockingham County.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department, which included updates on various road projects, paving, bridge improvements and routine maintenance.

As previously requested by Supervisor Chandler, Mr. Komara participated in a meeting regarding a speed study on Port Republic Road (Route 253) at Port Village. Supervisor Chandler requested the speed limit gradually be reduced as motorists approach Port Village in both directions on Port Republic Road.

Mr. Komara announced a meeting on August 30, 2016 regarding the Route 42 Corridor. He stated that VDOT received concerns regarding the bypass and encouraged anyone with concerns to attend the meeting.

Supervisor Breeden brought attention to the Ore Bank Road (Route 708) project, indicating a citizen requested lengthening the improvements to the road. Mr. Komara noted that he will touch base with the individual. Additionally, Supervisor Breeden extended appreciation to VDOT staff for a commendable paving job on Island Ford Road (Route 649).

Supervisor Chandler mentioned that James Madison University (JMU) is planning to upgrade the University Farm on Alumnae Drive (Route 331) by renovating the farmhouse and constructing an amphitheater and parking lot. With that, he anticipates increased traffic to the narrow, gravel road and suggested VDOT contact JMU.

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PROPOSED 2016 SMART SCALE PROJECTS.

Director of Planning, Ms. Cooper, reviewed the proposed 2016 Smart Scale Projects.

Following discussion, Supervisor Cuevas motioned to approve the submittal of the proposed Smart Scale Project applications as presented. Seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board authorized staff to submit the following four projects for Smart Scale funding in 2016:

Mayland Road (VA 259)

- From East Lee Street (in the Town of Broadway) to 400’ north of Winsinger Drive (Rt. 1419) at a private road, Shady Oak Drive.
- Four-lane divided curb and gutter section with sidewalks and bicycle lanes on each side to approximately 350’ south of the intersection of East Springbrook Road (Rt. 1421). The typical section will then change to a four-lane divided with shoulders to 400’ north of Winsinger Drive (Rt. 1419).

Oakwood Drive and Cecil Wampler Road (Rt. 704)

- Intersections of Route 704 (Oakwood Drive and Cecil Wampler Road) with South Valley Pike (US 11)
- Align Route 704 by extending Oakwood Drive across South Valley Pike (US 11) to tie in to Cecil Wampler Road west of Interstate 81.

Friedens Church Road (Rt. 682) Improvements

- Scholars Road and Friedens Church Road Intersection
- Improve the sharp turn where Scholars Road and Friedens Church Road intersect to address tractor trailer hang-ups on the church’s retaining wall.

Mill Street (Town of Dayton)

- From High Street to Main Street, then from Main Street to Cooks Creek
- Correct flooding and drainage issues on Mill Street and surrounding area.

Administrator King pointed out that VDOT was heavily involved with the project list and will remain involved throughout the submission process. He also expressed gratitude to Ms. Cooper for her hard work, as she essentially worked single-handily on the project.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Administrator King’s staff report dated August 4, 2016.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Davidson’s staff report dated August 10, 2016.

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated August 10, 2016.

Included in Mrs. Mongold’s staff report was the Affordable Care Act (ACA) Eligibility Policy. Ms. Mongold reported that the County’s Insurance Consultant recommended the Board adopt the ACA Eligibility Policy, which defines the County’s eligibility requirements for employees as they pertain to health insurance and the Affordable Care Act.

Mrs. Mongold pointed out that the County already practices the policies outlined, however, they were not in writing.

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 Rockingham County Plan ACA Eligibility Policy:

FORMAL RECORD OF ACTION

The following is a formal record of action taken by the governing body of Rockingham County (the “County”).

With respect to the ACA Eligibility Policy (“Eligibility Policy”) of the Rockingham County Health Insurance Plan (the "Plan"), the following resolutions are hereby adopted:

RESOLVED: That the Eligibility Policy of the Plan is hereby adopted and approved;

RESOLVED FURTHER: That the appropriate officers of the County are authorized and directed to execute the Eligibility Policy on behalf of the County;

RESOLVED FURTHER: That the officers of the County are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

**ROCKINGHAM COUNTY PLAN
ACA ELIGIBILITY POLICY**

WHEREAS, Rockingham County (the "County") maintains the health insurance (the "Plan") for the benefit of certain of its employees; and

WHEREAS, the County desires to adopt this ACA Eligibility Policy (“Eligibility Policy”) to determine eligibility for the following underlying subsidiary contracts/benefits provided by the Plan (“Policy Benefits”): **“Group Health Insurance.”**

NOW, THEREFORE, effective August 10, 2016, the following Eligibility Policy is adopted for Policy Benefits and shall be considered part of the Plan and may be modified or amended in the same manner as the Plan:

POLICY BENEFITS ELIGIBILITY

The following provisions apply only with respect to eligibility for Policy Benefits. To the extent that this Eligibility Policy conflicts with any provision in the Plan or a subsidiary contract for Policy Benefits, the terms of this Eligibility Policy shall control.

This Eligibility Policy applies to Full Time Employees (“Employees”).

A. Applicable Definitions

1. "Administrative Period" means the time during which the County determines Employee eligibility for Policy Benefits and allows time for enrollment and disenrollment.
2. "Administrative Period-Ongoing" means the Administrative Period associated with Ongoing Employees that starts on October 1st and ends on September 30th.
3. "Administrative Period-New Hired" means the Administrative Period for newly hired Variable Hour Employees that begins at the end of the Initial Measurement Period and lasts 90 days.
4. "Break in Service" means, following an Employee's termination of employment, a period of thirteen (13) or more consecutive weeks during which the Employee was not credited with an hour of service.
5. "Full-time Employee" is an Employee who, upon hire, is reasonably expected to work, on average, at least thirty (30) hours per calendar week. Determination of whether an Ongoing Employee is a Full-Time Employee will be made under the terms of this Eligibility Policy.
6. "Initial Measurement Period" means the period of time during which a new Variable Hour Employee's hours of service are measured to determine whether the Employee is a Full-time Employee eligible for Policy Benefits. The Initial Measurement Period lasts 12 consecutive months. The Initial Measurement Period starts on the first day of the month following the Employee's start date.
7. "Ongoing Employee" means an Employee who has been employed by the County for at least one complete Standard Measurement Period.
8. "Part-time Employee" means a new Employee who the County reasonably expects to work, on average, less than thirty (30) hours per week during the Initial Measurement Period.
9. "Policy Benefits" means the subsidiary contracts or benefits of the Plan for which this Eligibility Policy applies.
10. "Seasonal Employee" means an Employee who is hired into a position for which the customary annual employment period is six (6) months or less and which begins at approximately the same time of each calendar year.
11. "Stability Period" is the period in which the Employee is treated as full time or not full time for eligibility for Policy Benefits.

12. "Stability Period-New Hired" means the Stability Period for newly hired Variable Hour Employees that begins at the end of the Administrative Period-New Hired and lasts for twelve consecutive months, subject to Section B.3 of this Policy.
13. "Stability Period-Ongoing" means the twelve month Stability Period associated with the Standard Measurement Period which begins October 1st and ends September 30th.
14. "Standard Measurement Period" means the period during which the County counts an Ongoing Employee's hours of service to determine whether the Employee will be a Full-time Employee eligible for Policy Benefits during the Stability Period-Ongoing. The Standard Measurement Period lasts twelve consecutive months. The Standard Measurement Period starts on October 1st and ends on September 30th.
15. "Variable Hour Employee" means an Employee for whom the County cannot determine, at the Employee's hire date, whether the Employee is reasonably expected to work an average of at least thirty (30) hours per week, and also includes Part-Time Employees and Seasonal Employees.

B. **Eligibility**

The County offers Policy Benefits to Full-time Employees and, if applicable, their dependents, children and/or spouses. Eligibility of dependents, children and spouses is addressed in the separate subsidiary contracts for Policy Benefits.

The County intends to follow IRS regulations and any subsequent guidance when administering the Eligibility Policy.

1. *Ongoing Employees*

For Ongoing Employees, the County will determine whether an individual is a Full-time Employee by looking at the Employee's hours of service during the Standard Measurement Period. If an Ongoing Employee was employed, on average, 30 hours per week or more during the Standard Measurement Period, the Employee will be treated as a Full-time Employee and will be eligible for Policy Benefits during the entire subsequent Stability Period-Ongoing. The Employee will remain eligible for Policy Benefits during the entire Stability Period-Ongoing, regardless of the Employee's actual number of hours of service during the Stability Period-Ongoing, as long as he or she remains an Employee of the County. Similarly, if an Employee is determined not to be a Full-time Employee during the Standard Measurement Period, he or she will not be eligible for Policy Benefits during the entire Stability Period-Ongoing.

2. *New Employees Expected to Work Full Time*

If the County reasonably expects a new Employee to be a Full-time Employee as of the Employee's hire date, the Employee will be offered Policy Benefits as of the 1st of the month after hire, or the 1st of the next month if hired after the 15th of the month. The Employee will be treated as a Full-time Employee through the date the Employee starts the first Stability Period-Ongoing, even if the Employee experiences a change in employment status causing the Employee to become a Variable Hour Employee. Once the new Full-time Employee has been employed for one Standard Measurement Period plus the associated Administrative Period, the measurement rules for Ongoing Employees will apply.

3. *New Variable Hour Employees*

New Variable Hour Employees must first complete an Initial Measurement Period during which they are not eligible to enroll in Policy Benefits. The hours of service for a new Variable Hour Employee will be determined during both the Initial Measurement Period and during the Employee's first Standard Measurement Period beginning after

the Employee's date of hire. Eligibility of the new Variable Hour Employee for Policy Benefits (and the Employee's status as a Full-time Employee) for the Stability Period-New Hired and the Employee's first Stability Period-Ongoing will be determined as follows:

- If the Employee averages 30 hours of service per week or more during both the Initial Measurement Period and the first Standard Measurement Period, coverage will be offered beginning with the Stability Period-New Hired and ending upon completion of the first Stability Period-Ongoing.
- If the Employee does not average 30 hours of service or more per week during both the Initial Measurement Period and the first Standard Measurement Period, coverage will not be offered during either the Stability Period-New Hired or the Employee's first Stability Period-Ongoing.
- If the Employee averages 30 hours of service or more per week during the Initial Measurement Period but does not average 30 hours of service or more per week during the first Standard Measurement Period, the Employee will be offered coverage for the Stability Period-New Hired but not for any portion of the Employee's first Stability Period-Ongoing that continues after the end of the Stability Period-New Hired.
- If the Employee does not average 30 hours of service or more per week during the Initial Measurement Period but does average 30 hours of service or more per week during the first Standard Measurement Period, the Employee will not be offered coverage for the Stability Period-New Hired. However, the Employee will be offered coverage as of the first day of the Stability Period-Ongoing, even though it falls within the Stability Period-New Hired.

If a new Variable Hour Employee experiences a change in position with the County before the end of the Initial Measurement Period such that, if the Employee had begun employment in the new position, the Employee would have been treated as a newly hired Full Time Employee, that Employee will be eligible for Policy Benefits the 1st of the month after hire, or the 1st of the next month if hired after the 15th of the month. Generally, after the change in position, the Employee will be treated as a Full-time Employee until the Employee begins the first Stability Period-Ongoing. Once the Employee has been employed for one Standard Measurement Period plus the associated Administrative Period, the measurement rules for Ongoing Employees will apply.

C. **COBRA**

If a Policy Benefit is subject to COBRA and an Employee is enrolled in such a Benefit at the end of the Stability Period that includes the end of the Standard Measurement Period during which hours were reduced, any determination under this Policy based upon such Standard Measurement Period that the Employee is not a Full-Time Employee eligible for that Policy Benefit shall constitute a COBRA qualifying event as a reduction in hours. Any applicable COBRA coverage period and notice period shall commence with the loss of coverage at the beginning of the next Stability Period-Ongoing. Provided, however, that for a New Variable Hour Employee who is determined to be a Full-Time Employee based on his or her Initial Measurement Period but not a Full-Time Employee based on his or her first Standard Measurement Period any applicable COBRA coverage period and notice period shall commence with the loss of coverage at the end of the Stability Period-New Hired.

D. **Enrollment/Coordination with Section 125 Plan**

The County will use the Administrative Periods to determine whether an Employee is a Full-time Employee and to offer coverage to those Full-time Employees. Policy Benefits will then be offered during the applicable Stability Period described above; provided, however, that an Employee’s eligibility for Policy Benefits shall also be subject to the County’s rules regarding election of benefits during open enrollment and at such other periods of time as may be permitted by the underlying Policy Benefit or the County’s Section 125 Plan. For example, if an Ongoing Employee is eligible for Policy Benefits for an upcoming Stability Period-Ongoing but makes an election not to enroll in those Policy Benefits during an open enrollment occurring in an Administrative Period-Ongoing, the Employee may be prohibited from electing Policy Benefits for the entire Stability Period-Ongoing unless the Employee has an event that would allow the Employee to change an election under the Policy Benefit and the County Section 125 Plan, if applicable.

E. Break in Service/Leave

Break in Service

If the Employee is reemployed after a Break in Service, eligibility for Policy Benefits will be determined as if the Employee were a newly hired Employee.

Leave

A special averaging method applies in determining hours of service under the Initial or Standard Measurement Periods when an Employee does not terminate employment but is on special unpaid leave (that is, leave under the Family and Medical Leave Act or the Uniformed Services Employment and Reemployment Rights Act or jury duty leave). Under the averaging method, the County will either:

- Determine the average hours of service per week for the Employee during the applicable Measurement Period, excluding the special unpaid leave period, and use that average as the average for the entire applicable Measurement Period; or
- Treat Employees as credited with hours of service for special unpaid leave at a rate equal to the average weekly rate at which the Employee was credited with hours of service during the weeks in the applicable Measurement Period that are not special unpaid leave.

IN WITNESS WHEREOF, the County has executed this Eligibility Policy as of the date specified above.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Hertzler’s staff report dated August 10, 2016.

Mr. Hertzler announced that the last household hazardous waste day this year will be August 20, 2016, at the City facility.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated August 10, 2016.

Mr. Armstrong introduced two new Community Development employees: Dominick Signorino, who filled the part-time Permit Specialist position, and Kenneth Lam, who accepted the Building Inspector position.

Mr. Armstrong brought attention to the “Urban Development Area – Under Development” map included in his staff report. He said the eastern part of the County is developing rapidly and the map is intended to provide insight as development progresses.

Senior Planner May requested approval for staff to conduct a review of GIS fees charged by the County. Currently, the County charges approximately \$9,000 for orthophotography- a digital format of aerial photos. He pointed out that the County’s fees are significantly higher than the Virginia Base Mapping Program (VBMP), as VBMP charges around \$90 for orthophotography.

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 directed staff to review the fee schedule for Geographic Information System products to ensure the County fees for printed and digital products are commensurate with other jurisdictions in the Commonwealth.

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TECHNOLOGY DIRECTOR’S STAFF REPORT.

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

Mrs. Perry reported that staff will begin laptop and iPad replacements soon.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

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

Chief Holloway expressed appreciation to the Board for allowing staff to continue with the SAFER grant and explained that he plans to hire additional personnel by October 1, 2016, with training occurring during October and November. His goal is to have personnel thoroughly trained and in place by the first of the year.

Lieutenant Doug Gooden provided a detailed report of the Division II Technical Rescue Team’s deployment to West Virginia during the recent flooding event. He explained that the Technical Rescue Team, a multidisciplinary team that provides services to the citizens of Rockingham County and surrounding areas through mutual aid in the field of technical rescue operations, consists of emergency responders from Rockingham and Augusta Counties and the Cities of Harrisonburg, Waynesboro and Staunton.

Lieutenant Gooden reported that once notified of the need for service, the team was prepared for deployment within two hours. They provided rescue services to Greenbrier County and Rainelle, WV, rescuing nearly 80 individuals, 20-25 animals, and assisting with four body recoveries.

Chairman Kyger expressed sincere appreciation for the Technical Rescue Team’s outstanding work, noting the importance of the service they provide.

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PARKS & RECREATION DIRECTOR’S STAFF REPORT.

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

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COURT SERVICES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Freeman’s staff report dated August 10, 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 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 following carryover funds and supplemental appropriations:

FY2015-2016 Carryover Funds to FY2016-2017

GENERAL FUND AND CAPITAL PROJECTS FUND

1. Fire & Rescue

A carryover of unencumbered FY 2015-2016 funds in the amount of \$86,525 for the balance of Four-For-Life funding.

Carryover Appropriation: \$86,525

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| \$86,525 | GL Code: 1001-03203-00000-000-505635-000 | Four-For-Life Funding |
| \$86,525 | GL Code: 1001-00000-15201-000-352000-000 | General Fund Reserve |

2. Fire and Rescue

A carryover of unencumbered FY 2015-2016 funds in the amount of \$28,269 for the balance of Fire Programs funding.

Carryover Appropriation: \$28,269

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| \$28,269 | GL Code: 1001-03201-10357-000-506065-000 | Minor Equipment |
| \$28,269 | GL Code: 1001-00000-15201-000-352000-000 | General Fund Reserve |

3. Fire and Rescue

A carryover of unencumbered FY 2015-2016 funds in the amount of \$1,116 for the balance of Haz-mat funding.

Carryover Appropriation: \$1,116

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| \$1,116 | GL Code: 1001-03201-10358-000-506065-000 | Minor Equipment |
| \$1,116 | GL Code: 1001-00000-15201-000-352000-000 | General Fund Reserve |

4. Fire and Rescue

A carryover of unencumbered FY 2015-2016 funds in the amount of \$600. These funds will be used to purchase smoke alarms and batteries for the smoke alarm program.

Carryover Appropriation: \$600

\$600 GL Code: 1001-03201-00000-000-506013-000 Educational Supplies
 \$600 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

5. Sheriff

A carryover of unencumbered FY 2015-2016 funds in the amount of \$6,627. These funds will be used for miscellaneous purchases and costs will be split with the City of Harrisonburg.

Carryover Appropriation: \$6,627

\$6,627 GL Code: 1001-03102-10309-000-506014-000 Other Operating Supplies
 \$3,314 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve
 \$3,313 GL Code: 1001-00000-11899-000-318600-000 Share of Costs - Harrisonburg

6. Technology

A carryover of unencumbered FY 2015-2016 funds in the amount of \$6,900. A firewall upgrade was anticipated to occur in FY16, however, the project was not completed by the end of the fiscal year.

Carryover Appropriation: \$6,900

\$6,900 GL Code: 1001-01220-00000-000-503109-000 Other Professional Services
 \$6,900 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

7. Capital Projects Fund

A carryover of unencumbered FY 2015-2016 funds in the amount of \$8,400. A purchase order was approved in FY16 for a Property Integration Fix, however, the project was not completed by the end of the fiscal year.

Carryover Appropriation: \$8,400

\$8,400 GL Code: 1101-09401-00000-000-508007-000 Computer Equipment
 \$8,400 GL Code: 1101-00000-15201-000-352000-000 County Capital Fund Reserve

FY2016-2017 Supplemental Appropriation

Video Conferencing

A supplemental appropriation in the amount of \$50,000 for the replacement of the current video conferencing equipment in the courtrooms. The funding is split 50/50 with the City of Harrisonburg.

Supplemental Appropriation: \$50,000

\$50,000 GL Code: 1001-02101-00000-000-508001-000 Machinery & Equipment
 \$25,000 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve
 \$25,000 GL Code: 1001-00000-11899-000-318600-000 City of Harrisonburg

FY2015-2016 Supplemental Appropriation

Harrisonburg-Rockingham Social Services District

A supplemental appropriation in the amount of \$2,428 for the Virginia Juvenile Community Crime Control Act (VJCCCA). This supplemental will increase the budget to the full funding level which was unknown at the time of the budget projection. Funding will be provided by the State with no local funding required.

Supplemental Appropriation: \$2,428

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| \$2,428 | GL Code: 1220-05337-10300-000-503109-000 | Other Professional Services |
| \$2,428 | GL Code: 1220-00000-12404-000-324987-000 | VJCCCA |

FY2016-2017 Supplemental Appropriation

Fire & Rescue

A supplemental appropriation in the amount of \$4,945 for minor equipment costs associated with wild land fire mitigation. The County received a grant from the International Association of Fire Chiefs for the County's community fuels mitigation program. No local funds are required.

Supplemental Appropriation: \$4,945

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| \$4,945 | GL Code: 1001-03201-00000-000-506065-000 | Minor Equipment |
| \$4,945 | GL Code: 1001-00000-12404-000-318400-000 | Grants - Local |

FY2015-2016 Supplemental Appropriation

Electoral Board

A supplemental appropriation in the amount of \$34,566 for payments to election workers during the March presidential primary. The County received reimbursement from the State for costs associated with the primary. No local funds are required.

Supplemental Appropriation: \$34,566

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| \$34,566 | GL Code: 1001-01301-00000-000-503902-000 | Election Workers |
| \$34,566 | GL Code: 1001-00000-12404-000-324990-000 | Other State Funds |

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 authorized rescinding the Public Works carryover of \$65,340 from the FY16 budget to the FY17 budget for the Landfill Gas System Expansion project that was approved at the June 22, 2016 Board meeting.

For clarification, Ms. Davidson reported that the carryover is not necessary at this time. Public Works and Finance staff will closely monitor the project and review the need for any supplemental appropriations as work progresses throughout FY2017.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

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 authorized staff to enter into a Joining Procurement Agreement made between the County and the Central Shenandoah Planning District Commission as follows:

JOINT PROCUREMENT AGREEMENT

This Agreement is made on this 10th day of August, 2016, between the Central Shenandoah Planning District Commission (“CSPDC”), a planning district commission with its principal office located at 112 MacTanly Place, Staunton, Virginia 24401, and Rockingham County. CSPDC and Rockingham County may be hereinafter referred to individually as a “party” and collectively as the “parties.”

WHEREAS, Virginia Code § 2.2-4304 authorizes public bodies to participate in a joint procurement agreement for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction;

WHEREAS, the parties desire to jointly conduct a procurement for services related to planning, zoning, engineering, management, architectural, public facility assessments, environmental studies, technical assistance, public outreach, grant preparation, and other projects (the “Services”); and

WHEREAS, the parties desire to enter into this Agreement for the purpose of increasing efficiency and reducing administrative expenses in the acquisition of the Services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. The parties agree to enter into this Agreement for the joint procurement of the Services described herein.
2. The parties agree to jointly conduct a procurement or procurements for Services in accordance with the Virginia Public Procurement Act, and that the CSPDC will be responsible for the administration of the procurement process. The parties agree that the procurement or procurements will be advertised as a joint procurement under Virginia Code § 2.2-4304(A) and a cooperative procurement under Virginia Code § 2.2-4304(B).
3. Any contract awarded under this Agreement to a qualified offeror or offerors (the “Awardees”) will provide that the same terms and conditions shall be extended to all parties to this Agreement.
4. Nothing contained herein shall obligate either party to enter into a contract for the purchase of Services or to exclusively contract with the Awardees. However, either party shall have the right to enter into a contract with an Awardee for Services.
5. The parties agree that neither party will be liable to the other for any damages arising from this Agreement, including but not limited to consequential damages or liability for any third party claims arising out of a joint procurement conducted under this Agreement or a contract awarded as a result of a joint procurement.
6. Either party may terminate this Agreement with or without cause by providing written notification 30 days in advance of the date of termination. Termination of this Agreement shall not alter any obligations of the parties, including any obligation with respect to payment, under a contract entered into as a result of a joint procurement.
7. Any claim arising out of this Agreement shall be heard in the General District or Circuit Court of Augusta County, Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Procurement Agreement as of the date written above.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Chandler reported that staff are in the process of hiring new employees.

PUBLIC WORKS

Administrator King reported that staff received an unsolicited proposal from Partners Excavating Company under the County’s Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) and Public-Private Transportation Act of 1995 (PPTA) Policy for completion of the grading, earthwork, stormwater facilities, and roadwork for the new Albert Long Park along Route 33. Staff recommended accepting the unsolicited proposal from Partners for conceptual phase consideration and authorized advertisement for competing proposals in accordance with the Policy.

On behalf of the Public Works Committee, 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 authorized staff to accept the unsolicited proposal from Partners Excavating Company; and authorized staff to advertise for competing proposals.

TECHNOLOGY

Supervisor Eberly reported that the Technology Committee met to discuss upgrading the video conferencing hardware for the court system. The current hardware is approximately 20 years old and is no longer compatible with the Supreme Court’s systems. Supervisor Eberly pointed out that video conferencing is valuable, as it allows inmates to appear without the sheriff’s department constantly transporting them from one location to another.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger announced that the VACO summer meetings will be held in Midlothian on August 18 and 19.

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COMMITTEE APPOINTMENTS.

On behalf of Chairman Kyger, 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 appointed Annette Sprinkel to represent District 4 on the Harrisonburg-Rockingham Community Services Board for a term to expire June 30, 2019.

On motion by Supervisor Eberly, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board appointed Rodney Burkholder to represent District 2 on the Planning Commission for a term to expire August 31, 2020.

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RECESS.

At 4:09 p.m., Chairman Kyger recessed the meeting for dinner.

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PUBLIC HEARING - SPECIAL-USE PERMITS.

At 7:02 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following special-use permits:

SUP16-141 Rafiq Shahswar, 9245 Lee Highway, Mt. Crawford 22841 for a motor vehicle repair shop on property located on the east side of Lee Highway (Route 11) approximately 260' south of Spring Valley Circle (Route 675), Election District #4, zoned A-2. Tax Map #149-(A)-27

The applicant was present.

No one spoke in opposition to the request.

SUP16-154 Sergiy Bohdan, 2149 Cecil Wampler Road, Mt. Crawford 22841 for an expansion to existing welding shop on property located on the southwest side of Pleasant Valley Road (Route 679) and Cecil Wampler Road (Route 704), Election District #4, zoned A-2. Tax Map #124-(A)-94

Ms. Stultz noted that she received a phone call requesting the Board consider hours of operation in the event that the property is ever sold.

Ken Peachy indicated he is in favor of the request, however he would like a condition added specifying hours of operation.

The applicant's wife was present. In response to Chairman Kyger, she said she did not think her husband would have an issue adding a condition restricting hours of operation from 6 a.m. to 8 p.m.

No one spoke in opposition to the request.

SUP16-174 Sandra G. Heatwole, 917 Muddy Creek Rd., Rockingham 22802 for an indoor flea market and a farm 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 and #91-(6)10.

The applicant was present. She discussed the history of the property and explained why a flea market is a good fit. After meeting with several artisan groups and talking with members of the community, Ms. Heatwole realized there is a demand for unique, repurposed items and fresh produce in the County.

Tammy Kline, the applicant's daughter, provided pictures to give the Board an idea of what would be offered at the flea market.

Kim Sandum asked if the parking area would affect the request since a portion is located in the floodplain. She also asked if the applicant would be willing to add a condition defining hours of operation. Ms. Sandum stated that the scale of the project is important, since it is located on a relatively narrow road, where the entrance is located near a curve.

In response to Ms. Sandum, Community Development Director Armstrong stated that parking facilities are permitted within a floodplain, as long as they are constructed at grade and do not raise base flood elevation.

Neighbor, Thomas Kesner, stated that he is not opposed to the request, but has a concern as to how large the flea market could become. He also asked how close the parking area will be to his property.

Ms. Heatwole indicated the parking area will not extend toward Mr. Kesner's property line.

After a brief discussion, it was agreed to add a condition stipulating hours of operation to Fridays and Saturdays from 8 a.m. to 5 p.m. and Sundays from 1 p.m. to 5 p.m.

Supervisor Eberly stated that, although Muddy Creek Road is a winding country road, it is his opinion that VDOT's approved location for the commercial entrance provides good site distance. He also stated that the farm market is a great way for neighbors to buy and sell local fresh produce.

SUP16-185 Joan Schweigert, 13281 Hawse Road, Linville 22834 for a dwelling for farm worker on property located on the east side of Turleytown Road (Route 613) approximately 1400' north of Morning View Road (Route 776), Election District #2, zoned A-2. Tax Map #49-(A)-99. Property Address: 10624 Turleytown Road

Ms. Schweigert stated that she raised 750,000 chickens last year, and maintained 50 head of cattle and eight horses on her 150-acre farm. She explained that she needs dependable help in order to continue farming. The dwelling will be used for her granddaughter, who will be working on the farm.

No one spoke in opposition to the request.

At 7:40 p.m., Chairman Kyger closed the public hearing.

On behalf of Chairman Kyger, 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, with the following conditions, approved SUP16-141 Rafiq Shahswar, 9245 Lee Highway, Mt. Crawford 22841 for a motor vehicle repair shop on property located on the east side of Lee Highway (Route 11) approximately 260' south of Spring Valley Circle (Route 675), Election District #4, zoned A-2. Tax Map #149-(A)-27.

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. As required by the Health Department, there shall be no public or non-family use of the garage restroom without further Health Department approval.
4. All requirements of the Rockingham County Fire Prevention Code shall be met.

5. 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 no building permits shall be issued until such time as a site plan is approved.
6. All work shall be done inside the building, and there shall be no accumulation of parts outside the building.
7. There shall be no accumulation of junk, trash, and debris allowed on the property, and there shall be no junked vehicles allowed to accumulate on the property.
8. No vehicles shall be sold from the site.
9. Hours of operation shall be limited to 6:00 a.m. to 9 p.m.
10. There shall be no more than six vehicles either awaiting repair or waiting to be picked up following repair allowed outside the building at any one time.
11. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
12. There shall be no off-premise signs permitted unless all County and State regulations are met.
13. Parking shall comply with the Rockingham County Code.
14. 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.

On behalf of Chairman Kyger, on motion by Supervisor Chandler, seconded by Supervisor Cuevas, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board, with the following conditions, approved SUP16-154 Sergiy Bohdan, 2149 Cecil Wampler Road, Mt. Crawford 22841 for an expansion to existing welding shop on property located on the southwest side of Pleasant Valley Road (Route 679) and Cecil Wampler Road (Route 704), Election District #4, zoned A-2. Tax Map #124-(A)-94.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Addition shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. The proposed entrance on Pleasant Valley Road shall meet all VDOT requirements for a commercial entrance, and permits shall be obtained from VDOT.
4. The existing commercial entrance on Cecil Wampler Road shall remain open for tractor trailer access.
5. Applicant shall either connect to public sewer or meet Health Department requirements for upgrading existing sewage disposal system.
6. All requirements of the Rockingham County Fire Prevention Code shall be met.
7. As this is an expansion to an existing welding shop that was allowed by a special use permit under the previous zoning ordinance, the supplemental standard requiring the business to service only farm-related equipment and farm-related facilities is waived.
8. Parking shall comply with the Rockingham County Code.

9. This permit is contingent upon a site plan being submitted to and approved by the County. No work on the addition shall be started until such time as site plan is approved.
10. All work shall be done inside the building, and all storage of supplies shall be kept inside the building.
11. No junk, trash, or debris shall be allowed to accumulate on the property.
12. Operating hours shall be from 6 a.m. until 8 p.m.
13. The addition shall not go into 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.

Supervisor Eberly stated that he likes the idea of a market that sells fresh produce provided by the community. He finds the entrance sufficient, as does VDOT. Additionally, he pointed out that the applicants are the original owners of the property, and he feels they will be receptive to any criticism from neighbors.

On motion by Supervisor Eberly, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board, with the following conditions, approved SUP16-174 Sandra G. Heatwole, 917 Muddy Creek Rd., Rockingham 22802 for an indoor flea market and a farm 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 and #91-(6)10.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. As required by the Building Official the applicant shall obtain a structural evaluation by a Registered Design Professional to determine if the building is structurally safe to be used for the proposed use.
3. If determined to be structurally safe, the building shall comply with the Uniform Statewide Building Code, and all necessary permits shall be obtained.
4. This permit is contingent upon applicant obtaining permits for sewage disposal. A copy of such permit shall be submitted to the Community Development Department prior to obtaining change of use building permits.
5. Applicant shall contact a private sector soil evaluator and/or septic system designer to address their sewage disposal system for this business. A copy of the report shall be submitted to the Health Department for the sewage disposal permit.
6. Portable toilets shall not be permitted.
7. Health Department requirements for wells shall be met.
8. This business shall comply with the requirements of the Rockingham County Fire Prevention Code.
9. A commercial entrance permit shall be obtained from VDOT's Residency Office and submitted to the Community Development Department prior to issuance of a building permit. Entrance shall be located as approved by VDOT.

10. The three existing ingress/egress points at the barn and accessory building shall be removed as required by VDOT in such a way as approved by VDOT.
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 no building permits shall be issued until such time as a 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.
16. Hours of operation shall be from 8 a.m. until 5 p.m. on Fridays and Saturdays and from 1 p.m. to 5 p.m. on Sundays.

On motion by Supervisor Eberly, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, with the following conditions, approved SUP16-185 Joan Schweigert, 13281 Hawse Road, Linville 22834 for a dwelling for farm worker on property located on the east side of Turleytown Road (Route 613) approximately 1400' north of Morning View Road (Route 776), Election District #2, zoned A-2. Tax Map #49-(A)-99. Property Address: 10624 Turleytown Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Residence shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. The manufactured home shall be skirted within 30 days following final inspection. Additionally if the tongue is left on the manufactured home, it shall be included in the skirting.
4. This permit is contingent upon the applicant obtaining approval for a sewage disposal system and water supply to serve the proposed residence. Permit shall be obtained from the Health Department and submitted to the Community Development Department prior to issuance of building permit.
5. As required by VDOT, the existing entrance shall be moved approximately 100' north to create improved sight distance for the shared driveway that will serve the two dwellings.
6. A VDOT land use permit shall be obtained from VDOT and submitted to the Community Development Department prior to building permit approval.
7. This residence shall not be used for rental purposes.
8. This residence shall not be occupied until a certificate of occupancy is obtained from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

RECESS.

Chairman Kyger recessed the meeting at 7:44 p.m. to allow guests to exit the room.

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PUBLIC HEARING – REZONING.

Chairman Kyger opened the public hearing at 7:46 p.m. and Senior Planner May reviewed the following rezoning request:

REZ16-161 Great Eastern Resort Corporation, P.O. Box 6006, Charlottesville, VA 22901, to amend the Master Plan for Woodstone Meadows on TM# 128-(A)- L122A, L122A1, L122A2, L123, & 129-(A)- L16A, totaling 53.61 acres, located east of Resort Drive (Rt 644) approximately 500 feet north of Bloomer Springs Rd (Rt 646), while retaining the existing Planned Residential District (R-5) zoning. The Comprehensive Plan designates this area for Community Residential. Election District 5.

Mike Shiflet, Peak Construction Company Vice President was present on behalf of Great Eastern Resort.

No one spoke in opposition to the request.

At 7:49 p.m., Chairman Kyger closed public hearing.

Supervisor Breeden stated that the rezoning will reduce the number of units, which he believes will improve the traffic pattern.

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, subject to the attached proffers, approved REZ16-161 Great Eastern Resort Corporation, P.O. Box 6006, Charlottesville, VA 22901, to amend the Master Plan for Woodstone Meadows on TM# 128-(A)- L122A, L122A1, L122A2, L123, & 129-(A)- L16A, totaling 53.61 acres, located east of Resort Drive (Rt 644) approximately 500 feet north of Bloomer Springs Rd (Rt 646), while retaining the existing Planned Residential District (R-5) zoning. The Comprehensive Plan designates this area for Community Residential. Election District 5.

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

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PUBLIC HEARING - SPECIAL-USE PERMT.

At 7:50 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following request.

SUP16-112 Verizon Wireless LLC, 536 Pantops Center - PMB#405, Charlottesville 22911 for a 199' monopole tower and supporting equipment on property located on a private right-of-way at the dead end of Three Leagues Road (Route 1090) approximately 2/3 mile south of McGaheysville Road (Route 996), Election District #5, zoned A-1. Tax Map #142-(A)-51. Property Address: 1168 Hodge Lane.

Ms. Stultz provided the Board with five emails of opposition.

In response to a question from Supervisor Breeden, Ms. Stultz said there are no available towers in the proposed area for Verizon to co-locate.

Lori Schweller, Attorney from LeClairRyan and Stephen Waller, Zoning Consultant with GDN Sites, provided a presentation on behalf of Verizon Wireless. Ms. Schweller provided photos of the proposed location, noting it is an area with no existing vertical structure. She indicated the closest residence is 900 feet from the proposed monopole location and explained that fencing will surround the monopole and the existing trees will remain in place to screen ground equipment. Ms. Schweller reported that no lighting is required for a monopole of this height. She reviewed a propagation map, highlighting existing coverage in the area, and pointed out the dead zones. She reported that depending on topography, cell towers have an approximate range of three miles. Photos from a 2014 balloon test were shown. Ms. Schweller reported that the proposed location is in an area within the County's Comprehensive Plan, identified as a growth area for the benefit of new business. She also noted that the request complies with the County's Zoning Ordinance.

In response to Supervisor Breeden, Mr. Waller stated that the tower would be able to accommodate four additional carriers and two dishes for co-location purposes.

Supervisor Cuevas inquired about the location where the photos were taken and noted that the monopole will be more visible at certain times of the year.

Gary Burner, landowner of the proposed property, spoke in favor of the request. He indicated that 91 percent of the population owns a cell phone, stating that communication is here to stay. Mr. Burner noted that he feels cell towers play an important role in safety, especially when narrowing down locations in missing person cases. The tower will not require overhead power lines, as underground service already exists, according to Mr. Burner. Mr. Burner's hope is that everyone will understand the long-term benefits the tower will provide to the area.

Fernando Pargas, a homeowner on Three Leagues Road, spoke in opposition to the request. He explained that the proposed cell tower is not compatible with the surrounding area. He and his wife purchased their home with security that the surrounding property was to be used for residential use only, as defined by their restrictive covenants. Mr. Pargas stated that the proposed tower will reduce property values and will create unnecessary traffic on their street. Further, he stated that the proposed location for the tower could be accessed without using Three Leagues Road. Mr. Pargas provided the Board with a petition signed by 52 individuals opposed to the proposed cell tower on their street.

Following Mr. Pargas, many homeowners and residents of Three Leagues Road expressed their concerns regarding the proposed cell tower. Robert Lucatorto, Jared and Sarah Lamb, Laura Hottinger, Clifton Furr, Mary Pargas, Mary West, Tom Ward, William Harris, and Dennis Maurer each spoke in opposition to the request, sharing similar concerns related to increased traffic affecting the safety of children, decreased property values, and obstruction of views. Additionally, the unique quality of the street and the small nature of the community was a significant opposing factor.

Kim Sandum remarked that regardless of whether or not the Board thinks the proposed tower location is appropriate, it is obvious that the access road is inappropriate. She stated that service access through a residential neighborhood makes no sense. Ms. Sandum reminded the Board that when approving special use permits, the use should be compatible with surrounding uses and should not be detrimental to the character of adjacent land. Ms. Sandum voiced that this particular request does not meet those criteria and stated that the access should be modified.

Robert Tolsma of 479 Three Leagues Road spoke in opposition to the request. He pointed out that the restrictive covenants associated with the property prohibit the lot from being used as an access road and questioned the legality.

At Chairman Kyger’s request, County Attorney Miller explained that restrictive covenants are a matter of private contractual agreements between homeowners which local government cannot enforce. Mr. Miller stated that it is the responsibly of Property Owners Associations and similar entities to enforce restrictive covenants. Mr. Miller explained that the decision as to whether or not Mr. Burner has the ability to grant the ingress or egress easement to Verizon is not up to the County.

Chairman Kyger remarked that cell towers have become today’s modern telephone poles and although no one prefers to have a cell tower in their yard, they have to be in someone’s yard. Chairman Kyger said it is important to keep in mind that it is the Board’s responsibility to protect each person’s interest, while protecting public interest at the same time.

Ms. Schweller reiterated that Verizon’s intention is to provide better service to the County, emphasizing that Verizon is not building towers to make money. In regard to decreased property value concerns, Ms. Schweller reported that realtors have said homes that do not have good wireless coverage do not sell. Ms. Schweller noted that she reviewed the protective covenants associated with the property and the covenants do not prohibit Mr. Burner from granting Verizon an easement. She also addressed traffic concerns, reporting that a service technician checking the tower once a month in a pickup truck would not create more traffic. In closing, Ms. Schweller indicated Verizon could explore other access options with the property owner if the Board so desired.

Chairman Kyger closed the public hearing at 9:03 p.m.

Supervisor Breeden stated that after many conversations with concerned citizens and with Verizon, it is his desire to table the request until September 28, 2016, to allow time for Verizon to explore other access options.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board tabled SUP16-112 Verizon Wireless LLC, 536 Pantops Center - PMB#405, Charlottesville 22911 for a 199' monopole tower and supporting equipment on property located on a private right-of-way at the dead end of Three Leagues Road (Route 1090) approximately 2/3 mile south of McGaheysville Road (Route 996), Election District #5, zoned A-1. Tax Map #142-(A)-51. Property Address: 1168 Hodge Lane until September 28, 2016.

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CLOSED 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 recessed the meeting from 9:09 p.m. to 9:57 p.m., for a closed meeting pursuant to 2.2-3711. (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 EBERLY RESOLUTION NO: 16-10
SECOND: SUPERVISOR CHANDLER MEETING DATE: AUGUST 10, 2016

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: BREEDEN, CHANDLER, CUEVAS, EBERLY, KYGER

NAYS: NONE

ABSENT:

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ADJOURNMENT.

Chairman Kyger declared the meeting adjourned at 9:59 p.m.

Chairman