

August 24, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 24, 2016, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

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
BARRY E. HERTZLER, Director of Public Works
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
C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

oooooOoooo

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

Chairman Kyger called the meeting to order at 6:03 p.m.

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

Chairman Kyger asked that everyone keep Central Italy in their thoughts and prayers in the midst of the tragic earthquake.

oooooOoooo

APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Eberly, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the minutes of the regular meeting of August 10, 2016.

oooooOoooo

INTRODUCTION OF STUDENTS.

Students from Eastern Mennonite High School introduced themselves to the Board.

ooooOoooo

TRANSPORTATION DEPARTMENT.

Mr. Komara introduced newly-hired Assistant Residency Administrator C. Burgess Lindsey, whose primary focus will be in Rockingham and Page Counties.

Mr. Komara provided a report on the recent activities of the Transportation Department, which included updates on several road projects, bridge work, and routine maintenance.

He reminded staff of the Route 42 Corridor meeting on August 30, 2016, at 7 p.m. at the Bridgewater Town Hall building to discuss ways to improve congestion through Bridgewater. Mr. Komara also mentioned that he recently met with Bridgewater staff to provide input regarding a river walk to connect the park to the bridge.

Supervisor Chandler inquired about the status of new speed limit signs on Port Republic Road (Route 253) at Port Village and asked that Mr. Komara keep him updated on the status. Additionally, he expressed concern regarding Alumnae Drive (Route 331), indicating it is not suitable for increased traffic. As discussed at a previous Board meeting, Supervisor Chandler stated that James Madison University plans to construct an amphitheater on property along Alumnae Drive, pointing out that the gravel road is too narrow for a large amount of traffic. Mr. Komara remarked that improvements to Alumnae Drive would be a good revenue sharing project with JMU.

In response to Administrator King, Mr. Komara indicated the end section of Ore Bank Road (Route 708) is on the secondary road improvement list. Mr. Komara said he is aware of requests to improve more than the end section, pointing out that improvements to both the middle and end sections at the same time would delay the project due to the endangered plant species along the middle section. Approaching the improvements through two separate projects would prevent delay in the approval process for the end section, he said.

Supervisor Chandler reported that approximately two miles of Pineville Road (Route 672) east of Lawyer Road (Route 672) is in need of widening and paving. He pointed out that a large amount of traffic travels on Pineville Road daily due to several surrounding schools.

ooooOoooo

TREASURER’S ANNUAL REPORT.

L. Todd Garber, Treasurer, presented the Board with a report of the County’s tax collections along with a summary of uncollectible and delinquent taxes.

In 2015, taxes collected were as follows:

	ASSESSED	% COLLECTED
Real Estate (1 st half)	\$ 24,737,659	98.54%
Real Estate (2 nd half)	\$ 26,187,674	98.31%
Personal Property	\$ 18,543,349	98.54%
Public Service Personal Property	\$ 48,730	100.00%

Machinery & Tools	\$	99.79%
	8,744,210	
Merchants Capital	\$	99.89%
	1,249,718	
Mobile Homes	\$	92.12%
	159,092	
Agriculture Equipment	\$	99.68%
	451,736	
Late Filing Fees	\$	95.43%
	87,027	
Recreational Vehicles	\$	99.18%
	164,198	
Vehicle License Fees	\$	96.85%
	1,247,464	

TAX COLLECTION REPORT
As of June 30, 2016

REAL ESTATE

<i><u>Tax Year</u></i>	<i><u>Levy</u></i>	<i><u>Collected</u></i>	<i><u>Percentage Collected</u></i>
2015	\$50,925,333	\$50,122,509	98.42%
2014	\$ 47,701,733	\$ 47,216,143	98.98%
2013	\$ 46,936,398	\$ 46,738,763	99.58%
2012	\$ 46,482,372	\$ 46,367,492	99.75%
2011	\$ 43,079,159	\$ 42,993,612	99.80%
2010	\$ 42,681,849	\$ 42,623,729	99.86%
2009	\$ 40,521,624	\$ 40,480,657	99.90%
2008	\$ 39,673,316	\$ 39,639,077	99.91%
2007	\$ 37,034,243	\$ 37,009,476	99.93%
2006	\$ 35,745,399	\$ 35,728,357	99.95%
2005	\$ 29,946,179	\$ 29,934,003	99.96%
2004	\$ 28,868,123	\$ 28,857,853	99.96%
2003	\$ 28,107,841	\$ 28,098,248	99.97%
2002	\$ 27,256,839	\$ 27,247,852	99.97%
2001	\$ 23,851,274	\$ 23,844,210	99.97%
2000	\$ 23,141,459	\$ 23,135,712	99.98%
1999	\$ 21,413,755	\$ 21,408,170	99.97%
1998	\$ 20,803,524	\$ 20,797,939	99.97%
1997	\$ 18,383,607	\$ 18,378,771	99.97%
1996	\$ 17,981,159	\$ 17,976,557	99.97%

PERSONAL PROPERTY

<i><u>Tax Year</u></i>	<i><u>Levy</u></i>	<i><u>Collected</u></i>	<i><u>Percentage Collected</u></i>
2015	\$ 29,447,059	\$ 29,136,602	98.95%
2014	\$ 28,372,076	\$ 28,226,073	99.49%
2013	\$ 28,473,398	\$ 28,353,706	99.58%
2012	\$ 29,399,968	\$ 29,292,918	99.64%
2011	\$ 28,402,560	\$ 28,307,753	99.67%

Mr. Garber reported that this was a good year for collections. He noted that the Treasurer’s office continues to use the same forms of collections as in previous years such as letters, DMV stops, setoff debt, and legal action. Mr. Garber reported that 152,000 real estate and personal property bills were processed this year, a 12,000-bill increase over the

last ten years. The workload in the Treasurer’s Department continues to increase; however, staff effectively utilizes technology strategies to keep up, he said. In closing, Mr. Garber thanked the Board for their continued support of the Treasurer’s Department.

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 accepted the Treasurer’s annual report of collections and uncollectible and delinquent taxes, in accordance with §58.1-3921 et seq. of the Code of Virginia.

Administrator King addressed Mr. Garber’s letter recommending a 47 percent Personal Property Tax Relief percentage for 2016.

On motion by Supervisor Breedon, 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 voted to establish the Personal Property Tax Relief percentage for 2016 at 47% for all non-business related vehicles in Rockingham County.

ooooOoooo

ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

Shenandoah Valley Partnership Executive Director Carrie Chenery and Assistant Administrator Anas provided the Board with the Shenandoah Valley Partnership’s Annual Report, highlighting activity from the past year. They were excited to discuss the upcoming Familiarization Tour, coinciding with the Fall Connect event at Cross Keys Vineyard on September 14, 2016, from 5 – 7 p.m. The Fall Connect and Familiarization Tour will kick off a three-day tour of the Valley providing site location consultants from four major metro-markets in the United States with a sense of living, working, and fun in the Valley.

Mr. Anas remarked that attracting new business to the Valley is important; however, retention and expansion of existing business is key to attracting the new, he said. Mr. Anas stated that business expansion is a direct result of actions taken by local Boards and their willingness to make investments.

Supervisor Cuevas remarked about the current low unemployment rate, pointing out that although a low rate is good, potential new businesses might be concerned with finding the necessary workforce. He suggested staff continue to collaborate with and highlight local educational programs to ensure potential new businesses that the Valley is willing to mold future employees to provide a specific type of workforce.

Administrator King stated that he and Assistant Administrator Anas recently met with three local industries. He commended County staff, as Sysco reported that they were highly impressed with services provided by the County during its recent expansion.

ooooOoooo

FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated August 24, 2016.

ooooOoooo

COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated August 24, 2016.

ooooOoooo

COMMITTEE REPORT.

The Board heard the following committee report 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 supplemental appropriations:

FY2016-2017 Supplemental Appropriation

GENERAL FUND

Economic Development

A supplemental appropriation in the amount of \$250,000 for an Agriculture and Forestry Industries Development (AFID) grant awarded to the Virginia Poultry Growers Cooperative. Funding has been provided by the state.

Supplemental Appropriation: \$250,000

\$250,000	GL Code: 1001-08102-00000-000-505899-000	Other Assistance
0		
\$250,000	GL Code: 1001-00000-12404-000-324990-000	Other State Funds
0		

FY2015-2016 Supplemental Appropriations

School Textbook Fund

A supplemental appropriation in the amount of \$21,000 for an adjustment to the school textbook inventory. Funding will be provided by the School Textbook Fund Reserve.

Supplemental Appropriation: \$21,000

\$21,000	GL Code: 2203-65210-00000-982-606020-000	Textbooks
0		
\$21,000	GL Code: 2203-00000-25201-000-440091-000	School Textbook Fund Reserve
0		

Transfer to Children’s Services Act (CSA) Fund

A supplemental appropriation in the amount of \$327,750 for a transfer to the CSA Fund for County mandated services. Funding will be provided by the Contingency Fund.

Supplemental Appropriation: \$327,750

\$327,750	GL Code: 1001-09301-00000-000-509528-000	Transfer to CSA
(\$327,750	GL Code: 1001-09110-00000-000-505800-000	Contingency
)		

CHILDREN’S SERVICES ACT (CSA) FUND

Mandated Services

A supplemental appropriation in the amount of \$500,000 for County CSA mandated services. Funding will be provided by both State (\$172,250) and local (\$327,750) funding.

Supplemental Appropriation: \$500,000

\$500,00	GL Code: 1225-05318-10100-000-505714-000	Mandated Services
0		
\$172,25	GL Code: 1225-00000-12401-000-324200-000	Comprehensive Services Act
0		
\$327,75	GL Code: 1225-00000-15101-000-351000-000	Transfer from General Fund
0		

Finance Director Davidson reported that the Fire & Rescue Department received notification that they are the recipient of the Assistance to Firefighters (AFG) grant. The grant will provide \$679,150 toward the necessary purchase of universal air packs for volunteer emergency responders throughout the County. Acceptance of the grant will require a ten percent match from the County of \$67,915.

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 authorized staff to accept the Assistance to Firefighters (AFG) grant in the amount \$679,150, requiring a ten percent match of \$67,915.

Mrs. Davidson indicated a supplemental appropriation will follow in September.

Supervisor Breedon stated that Chief Holloway is to be commended for constantly seeking and finding ways to save taxpayer dollars.

oooooOooooo

PUBLIC HEARING – ORDINANCE AMENDMENT.

At 7:05 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following ordinance amendment:

OA16-155 Amendment to the Rockingham County Code, Chapter 17 (zoning), Table 801.06.01 Area, Setback, and Height - Conventional to reduce the minimum rear setback for primary structures and for accessory structures which are more than 580 square feet of floor area from 35 feet to 25 feet, and to increase minimum rear setback for accessory dwellings from 5 feet to 25 feet in the A-1, A-2, and RV zoning districts.

She explained that by reducing the setbacks for primary dwellings and larger accessory buildings, the amount of agricultural land used will be reduced, while maintaining a safe distance between dwellings. Increasing the minimum rear setback for accessory dwellings from 5 feet to 25 feet will provide Fire & Rescue staff adequate space to safely fight a fire.

Concurring with staff's recommendation, the Planning Commission recommended approval by a vote of 4 to 0 on July 5, 2016.

No one spoke in favor or in opposition to the proposed ordinance amendment.

Chairman Kyger closed the public hearing at 7:07 p.m.

On motion by Supervisor Chandler, seconded by Supervisor Eberly, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER –

AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved the following ordinance amendment:

**ORDINANCE REPEALING
AND
RE-ENACTING
PORTIONS OF
TABLE 17-806.01
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That portions of Table 17-806.01 be and hereby are repealed and re-enacted as follows:

Table 17-806.01. Area, Setback, and Height – Conventional

In the A-1, A-2, and RV zoning districts, reduce minimum rear setback for primary structures from 35 feet to 25 feet.

In the A-1, A-2, and RV zoning districts, increase minimum rear setback for accessory dwellings from 5 feet to 25 feet.

In the A-1, A-2, and RV zoning districts, reduce minimum rear setback for accessory structures which are more than 580 square feet of floor area from 35 feet to 25 feet.

This ordinance shall be effective from the 24th day of August 2016.

Adopted the 24th day of August 2016.

ooooOoooo

PUBLIC HEARING – REZONINGS.

At 7:08 p.m., Chairman Kyger opened the public hearing and Ms. Cooper reviewed the following request.

REZ16-160 KKB, LLC, P.O. Box 2037, Harrisonburg, VA 22801, to rezone TM# 125-(A)- L6A, located west of Port Republic Road (Route 253), north of Stone Port Blvd (Route 726), and northeast of Apple Valley Road (Route 726), from General Residential District (R-3) to Planned Multifamily District (PMF). The Comprehensive Plan designates this area for Mixed Use. Election District 4.

Ms. Cooper reported that in 2012 the Board approved the request by KKB, LLC to rezone property from General Agricultural District (A-2) to General Residential District with Conditions (R-3C). At that time, the applicant proffered a master plan and conditions for the development of a multifamily complex. The applicant has revised the Master Plan and is requesting to place the structures closer to the street.

The Planning Commission tabled the request on July 5, 2016, as the applicant had not received a response from the City regarding an increase in City sewer capacity since the initial approval in 2012, and a concern regarding the demands the proposal could place on law enforcement.

Ms. Cooper reported that staff received an update on July 26, 2016. The applicant provided several options available to assure adequate sewer service at the site and reported that the proposed development would be similar to the 865 East student housing development located in Harrisonburg. According to the applicant, 865 East experiences lower call volumes for law enforcement than other student housing developments. Ms. Cooper noted that the Harrisonburg Police Department was contacted for verification, and the Community Resource Officer verified that 865 East experiences a “significantly lower” call volume. He reported that over the last six months, law enforcement responded to 33 calls: 15 for traffic stops, 2 for business alarms, 2 for traffic crashes, and 14 calls within the housing complex.

Following the update, on August 2, 2016, the Planning Commission recommended approval by a vote of 5 to 0, concurring with staff’s recommendation for approval, which stated:

This development appears to be a good fit for the area and the concerns regarding sewer service and police have been addressed.

In response to Supervisor Cuevas, Ms. Cooper indicated staff requested and received enrollment data from James Madison University. Supervisor Cuevas expressed concern, stating that unless there is a growth in enrollment at the University, the change in student housing in the County can create low-income housing in the City. He said a cycle could develop once the City builds new housing and the County is no longer in demand.

Chairman Kyger commented that “aging out” of student housing facilities is often a result of declined upkeep and modernization.

Dain Hammond, Manager of KKB, LLC, provided a presentation outlining the details of the proposed “Altitude at Stoneport” complex.

Mr. Hammond stated research shows that for every 10,000 students at a University, students will live within a 1-mile radius of campus. He pointed out that James Madison University has reached 20,000 students, meaning students now live within a 2-mile radius of campus.

He discussed the complex’s safe and secure design, explaining that the facility can only be accessed through secured building entrances with key-fob access. The design of the building eliminates outside traffic, thus reducing problems for law-enforcement. Mr. Hammond reported that with a \$30M complex, direct tax revenue to the County would be \$250,000 per year.

Mr. Hammond addressed the direct impact of appearance, noise, traffic and public transportation.

In response to Supervisor Cuevas, Ms. Copper indicated the property can be used for multi-family housing if the need for student housing decreases in the future.

No one spoke in opposition to the request.

Chairman Kyger noted that he received one email and one phone call in opposition to the request. He passed the questions and concerns to Mr. Hammond, who he said addressed them during his presentation.

Chairman Kyger closed the public hearing at 7:57 p.m.

On behalf of Chairman Kyger, 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 tabled REZ16-160 KKB, LLC, P.O. Box 2037, Harrisonburg, VA 22801,

to rezone TM# 125-(A)- L6A, located west of Port Republic Road (Route 253), north of Stone Port Blvd (Route 726), and northeast of Apple Valley Road (Route 726), from General Residential District (R-3) to Planned Multifamily District (PMF) until no later than September 28, 2016.

At 7:58 p.m., Chairman Kyger reopened the public hearing and Ms. Cooper reviewed the following request.

REZ16-180 Oleg Kilimnik, 864 Switchboard Road, Rockingham, VA 22802, to rezone a portion of TM# 124-(A)- L51, located south of Cecil Wampler Road (Route 704) approximately 515 feet east of Scholars Road (Route 988), totaling 4.71 acres, from General Agricultural District (A-2) to Heavy Industrial District (I-1). The Comprehensive Plan identifies this area for Industrial Use. It is in Election District 4.

Ms. Cooper indicated the applicant would like to construct a twelve-space parking area for tractor-trailers on the property.

The Planning Commission recommended approval by a vote of 5 to 0 on August 2, 2016, concurring with staff's recommendation for approval, which stated:

Whereas this property is identified as Industrial in the Comprehensive Plan, the Planning Commission concurs with staff's recommendation.

The applicant was present for questions.

Ed Blackwell spoke on behalf of Mr. Kilimnik. He stated that Mr. Kilimnik is only interested in constructing a parking area at this time. If a structure were desired in the future, Mr. Kilimnik would seek additional approval at that time, he said.

No one spoke in opposition to the request.

Chairman Kyger closed the public hearing at 8:06 p.m.

Chairman Kyger indicated the lack of a traffic light at the intersection of Route 11 and Cecil Wampler Road is a concern, however; he said VDOT is working toward a solution.

On behalf of Chairman Kyger, 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; and subject to the attached proffers, the Board approved REZ16-180 Oleg Kilimnik, 864 Switchboard Road, Rockingham, VA 22802, to rezone a portion of TM# 124-(A)-L51, located south of Cecil Wampler Road (Route 704) approximately 515 feet east of Scholars Road (Route 988), totaling 4.71 acres, from General Agricultural District (A-2) to Heavy Industrial District (I-1). The Comprehensive Plan identifies this area for Industrial Use. It is in Election District 4.

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

At 8:07 p.m., Chairman Kyger reopened public hearing and Ms. Cooper reviewed the following request.

REZ16-181 Daniel H. Wylie, PO Box 1021, Broadway, VA 22815, to rezone TM# 52-(A)- L114 and L115, totaling 2.012 acres, located east of Daphna Road (Route 803) and west of Mayland Road (Route 259) from Low-Density Residential District (R-1) to General Agricultural District with Conditions (A-2C). The property is located within Election District 1 and identified by the Comprehensive Plan as Community Residential.

Ms. Cooper stated that the applicant has proffered to limit the use of the site to a single-family dwelling, agriculture, or a contractor’s business. She pointed out that if the rezoning request were granted, the operation of a contractor’s business would require a special-use permit.

The Planning Commission recommended approval by a vote of 5 to 0 on August 2, 2016, concurring with staff’s recommendation for approval, which stated:

This request is near an existing commercial development and is in an area designated as Commercial in the Comprehensive Plan.

Daniel Wylie stated that he plans to build a shop on the property to store equipment and mulch. He said the residence will be occupied by an employee.

No one spoke in opposition to the request.

At 8:14 p.m., Chairman Kyger closed the public hearing.

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; and subject to the attached proffers, the Board approved REZ16-181 Daniel H. Wylie, PO Box 1021, Broadway, VA 22815, to rezone TM# 52-(A)- L114 and L115, totaling 2.012 acres, located east of Daphna Road (Route 803) and west of Mayland Road (Route 259) from Low-Density Residential District (R-1) to General Agricultural District with Conditions (A-2C). The property is located within Election District 1 and identified by the Comprehensive Plan as Community Residential.

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

ooooOoooo

ADJOURNMENT.

Chairman Kyger declared the meeting adjourned at 8:15 p.m.

_____,
Chairman