

September 28, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, September 28, 2016, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

BRYAN F. HUTCHESON, Sheriff

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
MICHELE S. BRIDGES, Economic Development & Tourism Manager
TAMELA S. GRAY, 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

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Kyger called the meeting to order at 6:01 p.m.

Supervisor Cuevas gave the Invocation and Finance Director Davidson led the Pledge of Allegiance.

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INTRODUCTION OF STUDENTS.

Students from Spotswood and Turner Ashby high schools introduced themselves to the Board.

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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 September 14, 2016.

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TRANSPORTATION DEPARTMENT.

Mr. Komara provided a report on the recent activities of the Transportation Department, which included updates on the Lee Highway/South Valley Pike (Route 11) bridge replacement; improvements to the South East Side Highway (Route 340) and Port Republic Road (Route 253) intersection; the Horeb Church Road (Route 732) rural rustic project; and paving on South East Side Highway (Route 340), and Blue and Gold Drive (Route 33 Business) in Elkton.

He noted the Airport Road (Route 727) project will be advertised in November, with work to begin in the spring of 2017.

Work began on the replacement bridge on Ottobine Road (Route 257) near the intersection of Dry River Road (Route 738). Mr. Komara said Ottobine Road will be built up three to four feet to improve sight distance to the west.

Mr. Komara reported a fall transportation meeting, to discuss smart scale projects, will be held October 25, 2016 at 4 p.m. at Blue Ridge Community College.

Following up on Administrator King’s announcement at the September 14, 2016 meeting about the replacement of a one-lane bridge on Lindale Road (Route 780), Mr. Komara recommended VDOT replace the bridge in-house, with work beginning in 2017. Converting the structure to a two-lane bridge could take five years. With no objections, VDOT will move forward with the in-house bridge replacement.

On September 14, 2016, Administrator King also discussed the removal of the traffic light at the intersection of Jim Britt Way (Route 704) and Spotswood Trail (Route 33). Mr. Komara noted that after the Southeast Connector (Route 280) was completed, Jim Britt Way became a dead-end road with little traffic and the signal is no longer necessary. Discussion ensued regarding repurposing the traffic light, but Administrator King explained that the bolt pattern is not the desired 8-bolt system that holds the pole to the foundation, and the age of the signal would require it to be replaced in the near future.

Mr. Komara informed Supervisor Chandler that he initiated a conversation with James Madison University personnel about Alumnae Drive (Route 331).

Supervisor Breeden complimented VDOT on the excellent repaving job on Island Ford Road (Route 649).

In response to a comment from Supervisor Breeden, Mr. Komara said he discussed an incident on Slate Road (Route 842) with Jeremy Mason at Rockingham County Public Schools. VDOT will look into reducing the speed limit on Slate Road, near Spotswood High School, to 35 miles per hour.

Supervisor Eberly requested that VDOT tar and chip Klines Mill Road (Route 784) and Williamsburg Road (Route 782) when possible.

In response to a question from Supervisor Eberly, Mr. Komara indicated there are over 200 miles of dirt roads evenly distributed across the County.

Mr. Komara noted that dust has been a major concern during August and September due to the extremely dry weather. He asked that Board members inform him of complaints so VDOT can apply liquid calcium chloride to reduce dust issues.

Supervisor Chandler reminded Mr. Komara of several issues he discussed with Assistant Residency Administrator Josh Dunlap on September 14, 2016, including dust control on Iron Horse Road (Route 994); speed limit reduction on Port Republic Road (Route 253) at Port Village; and overgrowth on Spotswood Trail (Route 33) in front of East Lawn Memorial Gardens.

Supervisor Chandler indicated speeding is also an issue on Iron Horse Road (Route 994) and noted grass in the median strips along Spotswood Trail (Route 33) has grown several feet high. Mr. Komara said the median strips and area in front of East Lawn Memorial Gardens will be cut after the pollination season. In the meantime, VDOT can mow the shoulders.

Supervisor Chandler indicated left turn signals are needed on Cross Keys Road (Route 276) turning onto Port Republic Road (Route 253) heading both west and east, and a full turn lane is needed going south on Cross Keys Road to turn right (west) onto Port

Republic Road. Chairman Kyger said Cross Keys Road needs right turn lanes and center turn lanes in both directions at its intersection with Port Republic Road due to heavy traffic. He noted motorists continue to use the rural corridors instead of the Southeast Connector (Route 280). Supervisor Chandler indicated a new subdivision was constructed in Grottoes with 150 homes, which has increased traffic in the area.

Chairman Kyger indicated that dust control is needed on Tilghman Road (Route 902). He noted speeding is an issue on Friedens Church Road (Route 257) from Green Valley Auctions to Friedens Church. Chairman Kyger complimented VDOT on the improvement to the traffic light at the intersection of Dinkel Avenue (Route 257) and South Valley Pike (Route 11). By putting yellow around the signal, it is more visible for motorists when the sun is shining in their eyes. Mr. Komara said VDOT is making that change to most signals, and he noted motorists yield more frequently with the new flashing yellow arrows.

Mr. Komara closed by confirming VDOT will remove the traffic signal at the intersection of Jim Britt Way (Route 704) and Spotswood Trail (Route 33).

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator King's staff report dated September 22, 2016.

Administrator King provided a resolution regarding the proposed equalization of taxing authority, particularly Food and Beverage taxes, for counties and cities. He requested the Board adopt a resolution to be provided to local representatives.

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 resolution to be sent to local representatives and the Speaker of the House of Delegates.

RESOLUTION

Food and Beverage Tax Parity for Counties

WHEREAS, core services including public education, law enforcement, fire, emergency medical response, social services, and transportation have historically been cost-effectively provided for the citizens of the Commonwealth as a result of the partnership between the Commonwealth and its localities; and

WHEREAS, Virginia's localities have experienced a significant cost shift from the Commonwealth in recent years for these core services and other services; and

WHEREAS, the Rockingham County Board of Supervisors, as do localities throughout the Commonwealth, continues to be challenged to fund the needs of citizens and visitors to the County without putting an added burden on County property owners in the form of increased real estate tax rates; and

WHEREAS, the Code of Virginia, despite cities and counties having similar funding needs, limits the taxing authority of counties in comparison to cities, particularly with regard to Food and Beverage taxation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Rockingham County requests that the Commonwealth of Virginia grant counties the same taxing authority as cities, with respect to Food and Beverage.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

Mr. Anas introduced Executive Director Bonnie Riedesel and Program Manager Elizabeth McCarty from the Central Shenandoah Planning District Commission (CSPDC). The CSPDC is requesting that the County submit an application on their behalf for a Community Development Block Grant through the Department of Housing and Community Development. The CSPDC has asked the County to apply for the grant since the recipient must be a local government. If awarded, the grant will be used to develop the Fields of Gold Tour de Farm Program, with the County serving as the grant administrator and fiscal agent.

Mr. Anas explained that Fields of Gold Tour de Farm is the blending of two established regional programs, the Fields of Gold Farm Trail and Bike the Valley. The Tour de Farm program will develop the Shenandoah Valley's emerging niches of agritourism and bicycle tourism by creating opportunities for entrepreneurs and existing rural businesses to grow. If the Board desires to apply for the grant on behalf of the CSPDC, a resolution is required.

Ms. Riedesel requested that the County take the lead by applying for the grant on behalf of the 13 jurisdictions in the Shenandoah Valley. She explained that Fields of Gold agritourism supports farm-related businesses and markets the Valley as an agritourism destination. Bike the Valley provides support to bicycle-related businesses and the bicycling community while marketing the Valley as a bicycling tourism destination. This will be the first bike-to-farm program in the state.

Ms. McCarty indicated the Tour de Farm program has three components that will be coordinated by CPSDC staff:

- Develop year round bike-to-farm tourism routes that connect Fields of Gold agritourism businesses in the Valley;

- Provide support services and technical assistance to agritourism businesses to market their business to bicycling tourists;
- Develop a marketing plan and branding materials to promote the Tour de Farm program.

Ms. McCarty noted a recent regional economic impact analysis shows people travel to the Valley to bike, enjoy local food and experience agricultural activities. The CSPDC plans to hold annual Tour de Farm events with a bicycle ride and food celebration to provide opportunities for agritourism and bicycle-related businesses to capture this audience.

The Local Innovation Program under the Community Development Block Grant was identified as a good fit for the Tour de Farm program and the CSPDC was encouraged by the Virginia Department of Housing and Community Development to apply for the grant. Funds are included in the CSPDC budget to cover the County's expenses to administer the grant.

In response to a question from Supervisor Breeden, Ms. Riedesel clarified that the grant application is set up as an 18-month project and no additional funding is required. The CSPDC plans to establish the program to sustain itself after the initial 18 months.

Ms. Riedesel and Ms. McCarty noted that the Tour de Farm web page will be accessible through the Fields of Gold and Bike the Valley websites.

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 approved the following resolution:

RESOLUTION

WHEREAS, Rockingham County wishes to apply on behalf of the Fields of Gold region for \$158,879 of Virginia Community Development Block Grant Local Innovation funds for Fields of Gold Tour de Farm; and

WHEREAS, Community Development Block Grant funds will be used to develop the first bike-to-farm trail program in the Shenandoah Valley, as well as the first bike-to-farm trail in Virginia; and

WHEREAS, 13 localities and up to 200 agritourism businesses in the Fields of Gold region will benefit from this program; and

WHEREAS, the Shenandoah Valley will be promoted as an agricultural and bicycle tourism destination.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockingham County that Stephen G. King, Rockingham County Administrator, is hereby authorized to sign and submit appropriate documents for the submittal of the Virginia Community Development Block Grant proposal on behalf of the Fields of Gold.

Chairman Kyger opened the floor to receive public comments.

Sandra Parks, a local cyclist and member of the Rockingham County Bicycle Advisory Committee and Shenandoah Valley Bicycle Coalition, said she is strongly in favor of the resolution. She has heard from people out of the area how much they enjoy riding in the Valley. She believes cycling can provide tourism revenue.

Kim Sandum indicated the program combines excellent aspects of the community. Biking is an activity people already participate in and the Tour de Farm is a great opportunity to provide a formal program, she said.

Supervisor Breeden read an email from a citizen who was unable to attend the Tour de Farm presentation. Erin Yancey from Elkton wrote that she participated on the County bike plan and wanted to lend her support to the project, as incremental increases in tourism will bring additional revenues to the County.

Chairman Kyger asked that the record show the County and Central Shenandoah Planning District Commission met the requirement to take public comment for the Department of Housing and Community Development Community Development Block Grant.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Davidson's staff report dated September 28, 2016. Ms. Davidson asked for action on two items.

On behalf of the Finance 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 approved the only bid received, for the asphalt overlay/repair at the Bergton container site, from Partners Excavating for \$63,555.

On behalf of the Automobile Committee, 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 only bid received, for a 2017 Ford F-550 pickup truck to be used at the landfill, from Myers Ford for \$38,461.

Administrator King indicated the pickup will be primarily used as a fuel truck at the landfill.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

Mr. Hertzler reminded the Board of the cleanup days on October 14 and 15, 2016, when the landfill accepts refuse from County residents at no charge.

Administrator King noted dust problems have been encountered with construction at the landfill entrance. Staff is working with the contractor to control the dust. Community Development staff is overseeing the issue in the same manner as any land disturbing activity.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated September 28, 2016.

Mr. Armstrong noted that Sentara RMH submitted a Medical Center Master Plan in March 2016. Ms. Cooper provided the Board with a revised Sentara RMH Medical Center Master Plan dated September 26, 2016, and a presentation will be provided at the October 12, 2016 meeting to review the changes from the March 2016 Master Plan.

Ms. Cooper presented a list of proposed Urban Development Area Plan Advisory Committee members. Mr. Armstrong noted four committee meetings will be scheduled between October and the spring of 2017.

Chairman Kyger said he and Supervisor Chandler assisted with the committee list, which consists of a variety of experienced members who will review numerous issues. City staff members were included on the committee since the urban development area is a transitional area between the City and County.

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 list of Urban Development Area Plan Advisory Committee members:

**Urban Development Area Plan
Advisory Committee
September 28, 2016**

John Bailey- landowner
Michele Bridges- Economic Development & Tourism Manager
Dick Blackwell- Blackwell Engineering
Ted Budd- landowner
Gil Colman- Colman Engineering
Thanh Dang- City Planner
Gerald Gabotu- City Public Transportation Assistant Director
John Kidd- former County School Superintendent
David Lee- Lee & Associates
Bill Loomis- Planning Commission member
Rob Lynch- Sentara RMH
Todd Rhea- Clark & Bradshaw
David Rees- Planning Commission member
Kim Sandum- Community Alliance for Preservation

Supervisor Chandler expressed appreciation to the members for agreeing to serve.

Supervisor Breeden announced that he met with the residents most affected by Verizon Wireless LLC special use permit SUP16-112 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).

The Verizon special use permit was tabled on August 10, 2016, to be addressed on September 28, 2016. Verizon spoke with Supervisor Breeden earlier in the day and requested the special use permit not be removed from the table, to allow additional time for them to address access and visibility concerns. Verizon plans to conduct more balloon tests and hold community meetings.

Mr. Miller noted that the special use permit will remain on the table indefinitely, until Verizon requests it be removed.

On behalf of Chairman Kyger, 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 removed from the table 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).

Chairman Kyger indicated he provided information for the Board to review the facts of the land use decision, which withstood two public hearings and went through the full processes. He said after great consideration, he would like a Board member to bring forth a motion to approve the request as proffered.

On behalf of Chairman Kyger, on motion by Supervisor Breedon, seconded by Supervisor Eberly, and carried by a vote of 3 to 2, voting recorded as follows: BREEDON – AYE; CHANDLER – NAY; CUEVAS – NAY; EBERLY – AYE; KYGER – AYE; and subject to the attached proffers, the Board approved 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).

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

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COMMITTEE REPORTS.

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

AIRPORT

Administrator King advised a recommendation for a new airline carrier at Shenandoah Valley Regional Airport was provided to the federal government for approval.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Chandler advised the committee met to review the audit. Several employees have retired so the library is hiring new personnel.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger asked Administrator King to ensure the Food and Beverage Tax Parity Resolution is sent to VACo and York County, since they made the request.

CHAIRMAN

Chairman Kyger expressed gratitude to the Board and staff on both sides of the difficult KKB, LLC zoning issue. He appreciated the Board members' candor and comments through the decision process.

Supervisor Eberly stepped out of the room before the motion to recess the meeting for a closed meeting, but returned to attend the closed meeting.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Breedon, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board recessed the meeting from 6:56 p.m. to 7:27 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 CUEVAS RESOLUTION NO: 16-13
SECOND: SUPERVISOR BREEDEN MEETING DATE: SEPTEMBER 28, 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 7:27 p.m.

Chairman