

January 24, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 24, 2018, 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
- PHILIP S. RHODES, Director of Public Works
- RHONDA H. COOPER, Deputy Director of Community Development
- KELLY S. GETZ, Code Compliance Officer
- JAMES B. MAY, Senior Planner
- DIANA C. STULTZ, Zoning Administrator
- JESSICA G. KILBY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER.

Chairman Eberly called the meeting to order at 6:00 p.m.

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**INVOCATION
PLEDGE OF ALLEGIANCE.**

Supervisor Chandler gave the Invocation and Assistant County Administrator Anas led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, 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 January 10, 2018.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department, including the following updates:

- The old section of the Ottobine Road (Route 257) bridge has been removed and traffic is flowing on the new section. The bridge is on track to be complete by the fall of 2018.
- The Pleasant Run bridge on North River Road (Route 867) is set for replacement by Fairfield-Echols, LLC with an anticipated completion date of November 2018.
- The Route 33 East and Reservoir Street road improvement projects are progressing.
- In preparation for hard surface treatment, trees are being cut on Veters Road (Route 790) and Mossy Creek Road (Route 747).
- Recent maintenance work includes brush cutting, boom axing, preparing for rural rustic road improvements, and winter weather preparation.

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INTRODUCTION OF STUDENTS.

Students from Eastern Mennonite and East Rockingham high schools introduced themselves to the Board.

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PRESENTATION – CLIMATE CHANGE

Les Grady, Bishop Dansby and Joy Loving addressed the Board concerning a future sustainability and climate related adaptation plan for the County. Dr. Grady explained how the earth’s temperature is continually rising, with 2017 being the second hottest year on record. He explained how the increase in temperature is a result of rising concentrations of carbon dioxide and other greenhouse gases in the atmosphere, and explained that stabilizing earth’s temperature is dependent on stopping the emission of carbon dioxide. Dr. Grady reviewed projected damages to the County in 2080-2099.

Bishop Dansby emphasized that action at the local level is essential with an absence of policy at federal and state levels. He explained that setting the example and doing “our part” to reduce greenhouse emissions, increase energy efficiency, adapt to changes in climate, promote renewable energy, protect agriculture, and develop a sustainable culture are all objectives the County should consider.

Joy Loving stated that adaptation will be required to address earth’s changing atmosphere, pointing out that being proactive rather than reactive is key. She provided examples of sustainability plans in other Virginia localities and urged the Board to include a sustainability plan, including adaptation to climate change in the upcoming Comprehensive Plan. Additionally, she offered to help and suggested that she be appointed to the Citizens’ Advisory Committee.

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PRESENTATION - COMMUNITY SERVICES BOARD CAPITAL PROJECT.

Ellen D. Harrison, Executive Director, Harrisonburg-Rockingham Community Services Board (HRCSB), reviewed a Space Considerations and Feasibility Study addressing the space needs of the HRCSB.

Ms. Harrison highlighted the many challenges that expanding service capacity to meet demands has created for the HRCSB. Three of the five HRCSB buildings were built circa 1920’s. Ms. Harrison said there is standing room only on most days in each of the waiting areas, there are inefficiencies created by having critical departments housed in

separate buildings, non-traditional space is being used for offices, including shared spaces and there is lack of treatment and meeting room space.

Since 2011, the CSB has experienced a 54 percent increase in clients served and since 2013, a 13 percent increase in personnel. Additionally, the 2017 General Assembly enacted legislation requiring all CSB’s provide additional services effective January 1, 2019. This mandate will require the CSB to create and fill many new clinical and administrative positions in order to maintain compliance.

Ms. Harrison reviewed the proposal, which was approved by the HRCSB’s Board of Directors. The proposed \$10,000,000 capital project would be financed over a 20-year debt service period with annual debt payments expected at \$750,000. The County, City, and CSB would share the cost equally.

Supervisor Cuevas stated that the Finance Committee reviewed the proposal and understands the need for the County to fund its share of the project, given the demand and type of services provided by the CSB. Supervisor Cuevas indicated that the Finance Committee will include the requested funding in the upcoming fiscal year 2019 budget. He pointed out that although the total project cost is nearly \$10,000,000 the cost would be split between the County, City and CSB.

Board members expressed appreciation to Ms. Harrison and the CSB for the outstanding services provided to the community.

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 authorized the Harrisonburg-Rockingham Community Services Board (HRCSB) to proceed with a Request for Proposals for the expansion and construction capital project of the Harrisonburg-Rockingham Community Services Board.

*The Harrisonburg-Rockingham Community Services Board
Space Considerations and Feasibility Study 2018
can be found in the*

“Attachments – Board of Supervisor’s Minutes Notebook” located in Administration.

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RECESS.

Chairman Eberly recessed the meeting at 7:01 p.m.

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PUBLIC HEARING - ORDINANCE AMENDMENTS.

At 7:06 p.m., Chairman Eberly opened the public hearing and Ms. Stultz reviewed the following proposed ordinance amendments.

OA17-280 Amendment to the Rockingham County Code, Chapter 17, (Zoning), Section 17-607 Supplemental standards for some land uses to remove item E under mini-storage facility, which now requires that in the A-1 and A-2 zoning districts, storage shall only occur within an agricultural structure at least three (3) years old.

Ms. Stultz noted that the amendment was generated by County resident Ronnie Freed, and she shared staff’s recommendation for denial.

Ronnie Freed spoke on behalf of the ordinance amendment. He explained that the property he would like to rezone was used by VDOT as a dumping site for left over soil

from a road improvement after blasting the site. He indicated the soil is not suitable for farming; however, it is level and flat and seems appropriate for a storage building.

In response to questions from Supervisor Cuevas, Ms. Stultz explained that Mr. Freed initiated the amendment with staff in order to construct a storage building on his property for a public rental facility. The current ordinance requires that storage shall only occur within an agricultural structure at least three years old in A-1 and A-2 zoning districts. Mr. Freed does not have any existing structures on his property and wishes to construct a new building.

Kim Sandum emphasized that reusable buildings in the A-1 and A-2 zoning districts protect the integrity of the County. She said the three-year rule for existing structures was a compromise when the ordinance was initially drafted. She hopes the language will remain as is to protect agricultural property in the County.

At 7:18 p.m., Chairman Eberly closed the public hearing.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board denied OA17-280 Amendment to the Rockingham County Code, Chapter 17, (Zoning), Section 17-607 Supplemental standards for some land uses to remove item E under mini-storage facility, which now requires that in the A-1 and A-2 zoning districts, storage shall only occur within an agricultural structure at least three (3) years old.

The public hearing was reopened and Ms. Stultz reviewed the following staff generated ordinance amendment.

OA17-285 Amendment to Rockingham County Code, Chapter 17 (Zoning Ordinance), Table 17-806.01 Area, Setback, and Height Standards - Conventional, to increase structure height in the B-1, B-2, and I-1 zoning districts from 45' to 60'.

Concerning OA17-285, Kim Sandum indicated that she is generally in favor of taller buildings rather than using a larger land footprint. She questioned whether taller buildings will fit in B-1 and B-2 areas, such as the historical Port Republic Village. She suggested staff modify the ordinance so that buildings of excessive height are permitted in compatible areas.

After a brief discussion, Supervisor Breeden recommended tabling the ordinance amendment to allow staff time to review the suggestion.

Chairman Eberly closed the public hearing at 7:24 p.m.

On motion by Supervisor Kyger, 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 OA17-285 Amendment to Rockingham County Code, Chapter 17 (Zoning Ordinance), Table 17-806.01 Area, Setback, and Height Standards - Conventional, to increase structure height in the B-1, B-2, and I-1 zoning districts from 45' to 60'.

At 7:25 p.m., Chairman Eberly re-opened the public hearing and Ms. Stultz reviewed the following:

OA17-286 Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-607 Supplemental standards for certain land

uses to clarify that the 1200 square feet for an accessory dwelling is any enclosed area used for the dwelling.

With no comments or opposition heard, Chairman Eberly closed the public hearing at 7:28 p.m.

On motion by Supervisor Breeden, seconded by Supervisor Cuevas, 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 adopted the following ordinance amendment:

ORDINANCE
REPEALING AND RE-ENACTING
THE SUPPLEMENTAL STANDARDS
FOR DWELLING, ACCESSORY
IN SECTION 17-607
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

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

That the supplemental standards for “Dwelling, accessory” in Section 17-607 be and hereby are repealed and re-enacted as follows:

Section 17-607. Supplemental standards for certain land uses

Dwelling, accessory.

- A. Any enclosed area used for the accessory dwelling shall not exceed twelve hundred (1200) square feet.
- B. Only one accessory dwelling shall be permitted per parcel.
- C. In addition to A and B above, in the R-1, R-2, PSF, MXU, R-4, and R-5 zoning districts, all accessory dwellings shall have direct vehicular access to a public or private street.

This ordinance shall be effective from the 24th day of January 2018.

Adopted the 24th day of January 2018.

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PUBLIC HEARING – REZONING REQUESTS.

At 7:29 p.m., Chairman Eberly opened the public hearing and Mr. Getz reviewed the following rezoning request:

REZ17-157 Steve Weaver (GSW Investors), 92 N. Liberty St., Harrisonburg VA 22802, to rezone 30.76 acres of a 46.12-acre parcel located on the

west side of South Valley Pike (US 11) immediately north of Cecil Wampler Road (Route 704) and approximately 880 feet north of Oakwood Drive (Route 704), from A2 (General Agricultural) to I1-C (Industrial with Conditions). A portion of tax map #123-(A)-L83. Comprehensive Plan designates this area as Mixed Use. Election District 2.

The Planning Commission recommended approval on December 5, 2017.

Steve Weaver of GSW Investors spoke on behalf of the request. He indicated several small business owners have expressed interest in purchasing a small piece of the property for warehouse space. Rather than splitting the property into pieces, rezoning the entire 30 acres at once makes sense, he said. Mr. Weaver pointed out that buffering will be provided to protect neighbors. He said as VDOT continues to develop plans for Route 11, GSW Investors will use the recommended 100-foot temporary setback. Additionally, he reported that the property has all the necessary utilities for this type of use.

No one spoke in opposition to the request.

Chairman Eberly closed the public hearing at 7:37 p.m.

On behalf of Chairman Eberly, on motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, subject to the following proffers, approved REZ17-157 Steve Weaver (GSW Investors), 92 N. Liberty St., Harrisonburg VA 22802, to rezone 30.76 acres of a 46.12-acre parcel located on the west side of South Valley Pike (US 11) immediately north of Cecil Wampler Rd. (Route 704) and approximately 880 feet north of Oakwood Dr. (Route 704), from A2 (General Agricultural) to I1-C (Industrial with Conditions). A portion of tax map #123-(A)-L83. Comprehensive Plan designates this area as Mixed Use. Election District 2.

Proffers:

1. As shown on the attached plat, GSW Investors LLC shall place a temporary one hundred foot (100') building setback from the current Route 11 boundary to allow for the future expansion of U.S. Route 11. Upon VDOT acquiring the right-of-way for its current widening project, the one hundred (100') building setback will automatically terminate and the setback will be determined by existing Rockingham County code requirements.
2. If the GSW Investors LLC land is re-zoned to I-1 Industrial pursuant to the pending application, its land will not be used for any of the following uses:
 - a. Airport, helipad, or flight strip
 - b. Carpet and rug cleaning service
 - c. Community garden
 - d. Community pool/sport court
 - e. Feed mill
 - f. Motor vehicle tow service
 - g. Park, government owned
 - h. Rail siding
 - i. Railroad yard
 - j. Sawmill or lumber mill
 - k. Animal shelter
 - l. Animal, domestic
 - m. Hog operation
 - n. Poultry operation
 - o. Automobile graveyard
 - p. Quarry operation

This is revised as of December 4, 2017 and replaces the Proffer dated November 2, 2017 in its entirety.

The public hearing was reopened and Mr. Getz reviewed REZ17-206.

REZ17-206 Spotswood Trail LLC, P.O. Box 71, Harrisonburg VA 22803, to rezone a 0.913-acre parcel located on the southwest side of Mt. Olivet Church Rd (Rt. 644), approximately 250' south of Spotswood Trail (US 33), from B1-C (General Business with conditions) to B1-C (General Business with Conditions). Tax map #129-(A)- L63A, Comprehensive Plan designates this area as Commercial. Election District 5.

The Planning Commission recommended approval on December 5, 2017.

The applicant was available for questions.

Kim Sandum inquired as to whether this area of McGaheysville is considered a gateway area and asked if there are requirements that should be considered. Ms. Cooper stated that the McGaheysville Area Plan currently does not provide much detail, and indicated this is an area staff hopes to clarify during the Comprehensive Plan update.

With no further comments, Chairman Eberly reconvened the regular meeting.

On motion by Supervisor Breeden, seconded by Supervisor Cuevas, and carried by a roll vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, subject to the following proffers, approved REZ17-206 Spotswood Trail LLC, P.O. Box 71, Harrisonburg VA 22803, to rezone a 0.913-acre parcel located on the southwest side of Mt. Olivet Church Rd (Rt. 644), approximately 250' south of Spotswood Trail (US 33), from B1-C (General Business with conditions) to B1-C (General Business with Conditions). Tax map #129-(A)-L63A, Comprehensive Plan designates this area as Commercial. Election District 5.

Proffers:

Mark B Callahan, for Spotswood Trail, LLC, hereby proffers that the use and development of this property shall be in strict accordance with the following conditions:

Great Eastern Resort Corporation or its subsidiaries shall use and access the Property for the following:

- a. Carpet and rug cleaning service
- b. House management office
- c. Laundry, commercial or industrial
- d. Laundry, dry cleaning, laundromat
- e. Office
- f. Warehouse
- g. Service business, not otherwise listed

Uses will not be open to retail or unrelated traffic.

The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements submitted as part of this application.

At 7:43 p.m., Chairman Eberly reopened the public hearing and Mr. Getz reviewed REZ17-302.

REZ17-302 Joseph Burkholder, 4012 Limestone Lane, Dayton VA 22821, to rezone a .923-acre portion of a 2.171-acre parcel, located on the north side of the intersection of Limestone Lane (Rt. 737) and Mason St (Rt. 257), from A-2, General Agricultural, to B-2-C, Neighborhood Business with Conditions. This area is identified as Mixed Use in the Comprehensive Plan. Tax map # 122-(A)-L139, Election District 2.

The Planning Commission recommended approval on January 2, 2018.

Richard Johnson with Blackwell Engineering prepared the zoning layout for the applicant and was available for questions. He indicated VDOT approved the entrance on Limestone Lane and mentioned that the house on the corner that blocks visibility will be demolished.

Brenda Fluharty, a resident of Limestone Lane, asked whether VDOT plans to improve Limestone Lane. She said the church and school create a large amount of traffic and she expressed concern regarding the safety of the road. Supervisor Kyger said the Board can request that specific roads be placed on VDOT's Six-Year Improvement Plan; however, VDOT determines the need and timing of road improvements.

No one spoke in opposition to the request.

Chairman Eberly closed the public hearing and reconvened the regular meeting at 7:52 p.m.

On behalf of Supervisor Eberly, on motion by Supervisor Kyger, seconded by Supervisor Cuevas, and carried by a roll vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, subject to the following proffer, approved REZ17-302 Joseph Burkholder, 4012 Limestone Lane, Dayton VA 22821, to rezone a .923-acre portion of a 2.171-acre parcel, located on the north side of the intersection of Limestone Lane (Rt. 737) and Mason St (Rt. 257), from A-2, General Agricultural, to B-2-C, Neighborhood Business with Conditions. This area is identified as Mixed Use in the Comprehensive Plan. Tax map # 122-(A)-L139, Election District 2.

Proffer:

The use and development of this property shall be in accordance with the schematic land use plan submitted with this letter. Specifically, the dedication of a 40' Right-of-Way along Ottobine Road, Route 257 and a 50' Right-of-Way along Limestone Lane, Route 737 for use by Virginia Department of Highways as shown.

At 7:53 p.m., Chairman Eberly reopened the public hearing and Mr. Getz reviewed the following request:

REZ17-305 Latitude Properties, Inc., 14 Hillside Drive, Wheat Ridge, CO 80215, to rezone 7.238 acres located on the east side of North East Side Highway (Rt. 340), approximately 0.8 mile south of Red Brush Rd. (Rt. 607) from A2-General Agricultural to MH1- Mixed Home. This area is identified as Agricultural Reserve in the Comprehensive Plan. Tax map #115-(A)-L165. Election District 5.

The Planning Commission recommended approval on January 2, 2018.

In response to a question from Administrator King, Mr. Getz indicated there are no maintenance or compliance issues in this mobile home park. Mr. Getz also pointed out that the mobile homes will be connected to the Town of Elkton's utilities.

Supervisor Breeden mentioned that a citizen previously voiced concern about storm water runoff. Mr. Getz explained that storm water management is controlled at the site plan level. He confirmed that regulations require that no more storm water will leave the property after site plan approval than what currently leaves the property.

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

Chairman Eberly closed the public hearing and reconvened the regular meeting at 8:00 p.m.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a roll vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the board approved REZ17-305 Latitude Properties, Inc., 14 Hillside Drive, Wheat Ridge, CO 80215, to rezone 7.238 acres located on the east side of North East Side Highway (Rt. 340), approximately 0.8 mile south of Red Brush Rd. (Rt. 607) from A2-General Agricultural to MH1- Mixed Home. This area is identified as Agricultural Reserve in the Comprehensive Plan. Tax map #115-(A)-L165. Election District 5.

The public hearing was reopened at 8:01 p.m., and Mr. Getz reviewed the following:

REZ17-308 Paul A. Dovel, III, PO Box 253, Shenandoah VA 22849, request to rezone 1.595 acres located on the south side of Spotswood Trail (Rt. 33) approximately 0.2 mile east of Mt. Olivet Church Rd. (Rt. 644), from B1-C, General Business with Conditions to B1-C, General Business with Conditions. (Requesting to add one additional use on properties.) This area is identified as Community Residential and is within the McGaheysville Urban Growth Area in the Comprehensive Plan. Tax Map # 129-(6)-L2 and 129-(6)-L3, Election District 5.

The Planning Commission recommended approval on January 2, 2018.

Applicant Paul Dovel was available to answer questions. He explained that the intent is to turn the existing building on the property into a craft brewery. In Mr. Dovel's opinion, this type of business will be a good fit for the area. He also noted that the shops currently on the property will remain open.

No one spoke in opposition to the request.

At 8:07 p.m., Chairman Eberly closed the public hearing and reconvened the regular meeting.

Supervisor Breeden noted his intention to abstain from action concerning the request, as he preferred to remain transparent given his working relationship with a beer manufacturer.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a roll vote of 4 to 0 to 1, voting recorded as follows: BREEDEN – ABSTAIN; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, subject to the following proffer, approved REZ17-308 Paul A. Dovel, III, PO Box 253, Shenandoah VA 22849, request to rezone 1.595 acres located on the south side of Spotswood Trail (Rt. 33) approximately 0.2 mile east of Mt. Olivet Church Rd. (Rt. 644), from B1-C, General Business with Conditions to B1-C, General Business with Conditions. (Requesting to add one additional use on properties.) This area is identified as Community Residential and is within the McGaheysville Urban Growth Area in the Comprehensive Plan. Tax Map # 129-(6)-L2 and 129-(6)-L3, Election District 5.

Proffer:

The applicant has proffered to add Craft Brewery to the uses on the property and limit waste water effluent to no more than 140,000 gallons per year.

At 8:09 p.m., the public hearing was reopened and Mr. Getz reviewed the following request:

REZ17-316 Bill V. Neff, 3570 North Valley Pike, Harrisonburg VA 22802, to rezone a 14.306-acre portion of a 32.759-acre parcel, located on the west side of Kratzer Rd. (Rt. 753) approximately 1200' north of Pulses Hill Lane (Rt. 908), from A2-General Agricultural to I-1C, General Industrial with Conditions. This area is identified as Industrial in the Comprehensive Plan. Tax map # 94-(A)-L110, Election District 2.

The Planning Commission recommended approval on January 2, 2018.

Applicant Bill Neff was available for questions. He pointed out that the adjoining landowner could not attend the meeting, and indicated the neighbor is in favor of rezoning the property for business use.

No one spoke in opposition to the request.

At 8:16 p.m., Chairman Eberly closed the public and reconvened the regular meeting.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a roll vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, subject to the following proffers, approved REZ17-316 Bill V. Neff, 3570 North Valley Pike, Harrisonburg VA 22802, to rezone a 14.306-acre portion of a 32.759-acre parcel, located on the west side of Kratzer Rd. (Rt. 753) approximately 1200' north of Pulses Hill Lane (Rt. 908), from A2-General Agricultural to I-1C, General Industrial with Conditions. This area is identified as Industrial in the Comprehensive Plan. Tax map # 94-(A)-L110, Election District 2.

Proffers:

1. A 20' wide strip of land running the length of the property along Kratzer Road will be dedicated to public use and will be shown on the subdivision plat.
2. There shall be only two (2) lots created.
3. There shall be ten (10) or fewer employees per shift on each of the two (2) lots rezoned to I-1C.
4. The uses on this property shall be limited to:
 - a. Truck Driving School
 - b. Sports Complex

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COUNTY ADMINISTRATOR’S STAFF REPORT.

Administrator King reported that three proposals were received for the District Court Services Building Evaluation and Needs Assessment. Staff recommended the County award a contract to Moseley Architects for \$49,113. Administrator King stated that \$50,000 is included in the Fiscal Year 2017 budget for this work and indicated the City will be responsible for 50 percent of the cost.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger, 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 authorized staff to enter into a contract with Moseley Architects for \$49,113 to perform the District Court Services Building Evaluation and Needs Assessment.

Included in Administrator King’s staff report, was a letter from the Natural Resources Conservation Service (NRCS) regarding the Lower North River Watershed Project. He pointed out that this project has been going on for many years and NRCS has decided to end the project. He recommended the County indicate no opposition to closing the project out as NRCS proposes in the letter.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, 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 expressed no opposition to the Natural Resources Conservation Service (NRCS) closing the Lower North River Watershed Project.

Administrator King addressed the item in his staff report concerning the Dayton Learning Center building and how the Board desires to proceed with the property once the new building is open.

Supervisor Cuevas said this was brought up at the Finance Committee meeting during budget discussions. With a projected shortfall facing the County, Supervisor Cuevas said the Finance Committee determined it would in the County’s best interest to accept the building and look at the possibility of selling the property to help offset expenditures.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, 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 directed the County Administrator to take the necessary steps to sell the Dayton Learning Center property located at 290 Mill Street, Dayton Virginia.

Administrator King reported that the Phase I construction is almost complete at Rockingham Park at the Crossroads. He explained that Phase I included the base asphalt coating for the driving paths and a gravel finish for the main parking area located at the rectangular fields. Sufficient funds remain within the Phase I budget to also complete the base and finish asphalt for the entire driving surface and parking area. Finishing this work now is important from a storm water management and a utilization standpoint, Mr. King said. He recommended the Board authorize staff to modify the quantities of asphalt for Partners Excavating to complete the work at a cost \$184,472.

Supervisor Cuevas pointed out that the funds are already budgeted within Phase I construction.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, 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 authorized staff to arrange for Partners Excavating to complete the asphalt gravel finish at the Rockingham Park at the Crossroads, using \$184,472 of Phase I funds.

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COUNTY ATTORNEY’S STAFF REPORT.

Mr. Miller reminded the Board to provide the County Administrator or County Attorney with feedback concerning legislative matters, so that they can be forwarded to the County’s lobbyist.

Regarding the 2018 General Assembly Session, Mr. Miller reported that Senator Hanger will carry the transient occupancy tax bill on behalf of the County.

Additionally, he brought attention to Senate Bill 784 and House Bill 714; Building Code Provisions for Buildings and Structures in Rural Areas. The bills, carried by Senator Obenshain and Delegate Bell would require local governments to implement appropriate health and safety regulations for buildings and structures in rural areas in which commercial enterprises are located.

Delegate Hugo’s House Bill 1224, is similar; however, it provides that current exemption for farm buildings and structures from the Uniform Statewide Building Code do not apply if a building or a portion of a building is operated as a licensed winery or farm winery under the provisions of the Alcoholic Beverage Control Act. The bill has a two-year delayed effective date to allow existing structures to come into compliance.

Following discussion regarding the bills, Supervisor Kyger expressed his concerns of HB 1224. He questioned what would be become of existing businesses that are unable to meet building code, specifically fire flow regulations. He suggested the County oppose Delegate Hugo’s bill and support Senator Obenshain and Delegate Bell’s companion bills.

Further discussion ensued regarding farm buildings and structures as they relate to health and public safety. County Attorney Miller said he will keep the Board informed of any updates related to the bills.

Supervisor Kyger made a motion to express opposition to Delegate Hugo’s House Bill 1224.

Seconded by Supervisor Chandler, and carried by a vote of 4 to 1, voting recorded as follows: BREEDEN - NAY; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board directed staff to express opposition in regard to House Bill 1224 Statewide Building Code; Applicability to Farm Buildings and Structures.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated January 18, 2018.

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PUBLIC WORKS COMMITTEE REPORT.

On behalf of the Public Works Committee, on motion by Supervisor Cuevas, seconded by Supervisor Chandler, 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 authorized staff to contract with Southern Air, Inc. for \$3,651,000 for HVAC at the Jail, to include \$576,000 for boiler replacement and \$85,000 for ductwork cleaning, for a total not to exceed amount of \$4,312,000.

Administrator King pointed out that the HVAC work at the jail has been under review for at least ten years. He credited the County’s maintenance staff and several contractors for holding the system together for so long. The project will be extremely difficult given that the building is occupied around the clock, he said. Administrator King pointed out that the County has an obligation to make sure it provides an appropriate

environment for all individuals in that building and he credited the Board for understanding the importance of the project. Further, Administrator King emphasized how the HVAC system will improve the environment and efficiency of the jail.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated January 24, 2018.

Ms. Cooper reported that the Planning Commission by-laws call for the election of officers to occur annually in October. The Commission recommended that the Board amend Article 3-2 of the by-laws to have elections occur in January of each year. In addition, Article 9-1 gives the Commission the authority to amend its by-laws. The Commission acknowledges it is a Board-appointed body and recommended the text be amended accordingly.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, 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 adopted the following Planning Commission By-laws:

ROCKINGHAM COUNTY PLANNING COMMISSION

BYLAWS

Revised April 2, 1996
Revised October 7, 2008
Revised January 24, 2018

ARTICLE I - ORGANIZATION

- 1-1 The official title of this commission shall be the “Rockingham County Planning Commission”.
- 1-2 The commission, established in conformance with the resolution adopted by the board of supervisors of Rockingham County on July 25, 1960, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Chapter 25, Title 15, Article 3, Code of Virginia.

ARTICLE 2 - MEMBERS

- 2-1 The commission shall consist of five (5) members, who shall be referred to as appointed members and are customarily selected from each of the five (5) election districts. The appointed members serve four-year terms and shall not be appointed to serve more than two (2) consecutive, four-year terms.
- 2-2 Any vacancy in membership shall be filled by appointment by the board of supervisors and shall be for the unexpired term only. An appointed member shall continue to serve on the commission until a replacement has been found.
- 2-3 Any appointed member may be removed by the board of supervisors for malfeasance in office.
- 2-4 Members are paid a stipend plus expenses incurred in the performance of their official duties.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

- 3-1 The officers of the planning commission shall consist of a chairman and a vice chairman. In addition, the administrative assistant of the Department of Community Development shall act as secretary to the commission.
- 3-2 Nomination of officers shall be made from the floor at the regular January meeting each year. Election of officers shall follow immediately. It is customary to rotate the chairmanship and vice chairmanship among the appointed members in consecutive order by election district (1 through 5). It is also customary that an appointed member serve as vice chairman the year prior to serving as chairman.
- 3-3 A candidate receiving a majority vote of the entire membership of the planning commission shall be declared elected and shall take office immediately to serve for one (1) year or until a successor is elected.
- 3-4 Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 - DUTIES OF OFFICERS

- 4-1 The chairman shall be an appointed member of the commission and shall:
 - 4-1-1 Preside at all meetings.
 - 4-1-2 Appoint committee assignments.
 - 4-1-3 Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present)
 - 4-1-4 Be informed immediately of any official communication and report same at the next regular meeting.
 - 4-1-5 Carry out other duties as assigned by the commission.
- 4-2 The vice chairman shall be an appointed member of the commission and shall:
 - 4-2-1 Act in the absence or inability of the chairman to act.
 - 4-2-2 Have the powers to function in the same capacity as the chairman in cases of the chairman's absence or inability to act.
- 4-3 The secretary shall:
 - 4-3-1 Keep a set of minutes.
 - 4-3-2 Keep a written record of all business transacted by the commission and a file of all official records and reports of the commission.
 - 4-3-3 Notify all members of all meetings.

ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

- 5-1 Standing committees shall be appointed for one (1) year by the chairman. Committees should be appointed within sixty (60) days after the chairman takes office or as needed. Vacancies shall be filled immediately by the chairman.
 - 5-1-1 COMPREHENSIVE PLAN COMMITTEE

Composed of at least two (2) members, this committee coordinates projects of the commission and reviews work as it relates to the

comprehensive plan and sees that the comprehensive plan is updated in an orderly and timely manner.

5-1-2 ZONING AMENDMENT COMMITTEE

Composed of at least two (2) members, this committee reviews and forwards recommendations on rezonings or zoning ordinance amendments that are referred to it by the commission and may aid staff in developing zoning ordinance amendments.

5-1-3 SUBDIVISION COMMITTEE

Composed of at least two (2) members, this committee reviews and forwards recommendations on subdivision ordinance amendments referred to it by the commission and may aid staff in developing subdivision ordinance amendments.

5-1-4 CAPITAL IMPROVEMENT COMMITTEE

Composed of at least two (2) members, this committee facilitates the preparation of an annual capital improvements plan for action by the commission.

5-1-5 LIAISON COMMITTEE

Composed of at least two (2) members, this committee meets with other jurisdictions on planning matters of mutual interest and meets as needed with the Rockingham Board of Zoning appeals to discuss concerns involving particular requests for variances.

5-1-6 TRANSPORTATION/HIGHWAY COMMITTEE

Comprised of at least two (2) members, this committee reviews matters pertaining to state plans for road improvements and evaluates road needs on an annual basis.

5-2 Special committees may be appointed by the chairman for the purposes and terms approved by the commission.

ARTICLE 6 - MEETINGS

6-1 Regular meetings of the commission shall be held on the first Tuesday of each month unless otherwise designated by the commission.

6-2 Special meetings shall be called at the request of the chairman or at the request of a quorum of the membership. Written notice stating the time of the meeting shall be given to each member at least five (5) days prior to such meetings, or a waiver of notice can be signed at the special meeting if all members are in attendance.

6-3 All meetings and hearings where three (3) or more members are present shall be open to the public as shall be the records and accounts of the commission.

6-4 A majority of the membership of the commission shall constitute a quorum. No action of the commission shall be valid unless authorized by a majority of the quorum voting. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

ARTICLE 7 - ORDER OF BUSINESS

- 7-1 The order of business for a regular meeting shall be:
 - 7-1-1 Call to order by chairman
 - 7-1-3 Pledge of allegiance and invocation
 - 7-1-4 Approval of minutes
 - 7-1-5 Public hearing
 - 7-1-6 Action on requests presented at hearing
 - 7-1-7 Unfinished business
 - 7-1-8 New business
 - 7-1-9 Miscellaneous
 - 7-1-10 Adjournment
- 7-2 Motions shall be restated by the chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.
- 7-3 Parliamentary procedure in commission meetings shall be governed by the adopted rules of order, namely, Robert's Rules of Order.
- 7-4 The secretary shall keep a set of minutes of all meetings, and these minutes shall become public record.

ARTICLE 8 - HEARINGS

- 8-1 In addition to those required by law, the commission, at its discretion, may hold a public hearing when it decides that a hearing will be in the public interest.
- 8-2 Notice of a hearing shall be published in a newspaper of general circulation in the area at least ten (10) days before the time of public hearing unless otherwise specified by law.
- 8-3 The case before the commission shall be summarized by the chairman or other member delegated by the chairman.
- 8-4 Interested parties shall have the privilege of the floor. A record shall be kept of those speaking before the hearing.
- 8-5 Records or statements shall be recorded or sworn to, as evidence for any court of law, only after notice is given to the interested parties.

ARTICLE 9 - AMENDMENTS

- 9-1 These by-laws may be changed by the Board of Supervisors.

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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 authorized the following FY2017-2018 Supplemental Appropriation:

Fire/EMS Overtime

A supplemental appropriation for \$26,000 for funds received from Dynamic Aviation to pay for Airport Rescue Fire Fighting (ARFF) standbys.

Supplemental Appropriation: \$26,000

\$26,000	GL Code: 1001-03201-00000-000-501200-000	Fire/EMS Overtime
\$26,000	GL Code: 1001-00000-11803-000-318200-000	Charges for Personnel

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Anas recalled that the Board approved a \$13,000 match for the Go VA Region 8 Nursing Program in 2017. He said the Commonwealth did not grant approval of the program.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reminded staff of the Rural Caucus in Richmond on February 7 and Legislative Day for Local Governments on February 8.

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COMMITTEE APPOINTMENTS.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, 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 Glenn Wayland to fill an unexpired term on the Recreation Commission for District 3, to expire December 31, 2020; and to the Rockingham Recreation Foundation, Inc. Board of Directors for a term to expire December 31, 2018.

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ADJOURNMENT.

Chairman Eberly declared the meeting adjourned at 9:00 p.m.

Chairman