

February 14, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 14, 2018, at 3:30 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

FREDERICK E. EBERLY, Election District #2 was absent

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
ANN MARIE FREEMAN, Director of Court Services
JEREMY C. HOLLOWAY, Fire & Rescue Chief
JENNIFER J. MONGOLD, Director of Human Resources
TERRI M. PERRY, Director of Technology
PHILIP S. RHODES, Director of Public Works
RHONDA H. COOPER, Deputy Director of Community Development
KELLY S. GETZ, Code Compliance Officer
JUSTIN S. MOYERS, Interim Director of Parks & Recreation
DIANA C. STULTZ, Zoning Administrator
TAMELA S. GRAY, 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
INVOCATION
PLEDGE OF ALLEGIANCE.**

Vice Chairman Cuevas called the meeting to order at 3:34 p.m. Vice Chairman Cuevas gave the Invocation and County Attorney Miller led the Pledge of Allegiance.

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INTRODUCTION OF STUDENTS.

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

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, 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 approved the minutes of the regular meeting of January 24, 2018.

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PROCLAMATION – AMERICAN RED CROSS MONTH.

Administrator King read the following proclamation:

PROCLAMATION

WHEREAS, the American Red Cross saw a record-breaking number of challenging domestic and international response efforts in 2017; and

WHEREAS, through the support of its volunteers, in just 45 days, the Red Cross responded to six of the largest and most complex disasters of 2017, including back-to-back hurricanes, the deadliest week of wildfires in California history, and the horrific mass shooting in Las Vegas; and

WHEREAS, the Red Cross responded to nearly 50,000 home fires in 2017, providing casework assistance to help 76,000 families recover; and

WHEREAS, the Red Cross has a long history of helping Rockingham County neighbors in need, with the Central and Shenandoah Chapter, Virginia region assisting with over 150 local disasters in the past year; installing nearly 1,500 smoke alarms, and providing thousands of people with fire safety information; and

WHEREAS, March is American Red Cross Month, a special time to recognize and thank Red Cross volunteers and donors who give their time and resources to help members of the community; and

WHEREAS, the Red Cross depends on these local heroes to provide help and hope during a disaster; and

WHEREAS, the Red Cross responds to disasters, big and small, across the country and around the world, and collects approximately 40 percent of the nation’s blood supply; and

WHEREAS, the American Red Cross provides 24-hour support to military members, veterans and their families; teaches lifesaving skills such as lifeguarding and CPR to millions of people; and connects family members separated by crisis, conflict or migration, through its Restoring Family Links program.

NOW, THEREFORE, BE IT PROCLAIMED, by the Rockingham County Board of Supervisors, and on behalf of its citizens, that March is **AMERICAN RED CROSS MONTH** in Rockingham County, and the Board encourages County citizens to support the American Red Cross and its noble humanitarian mission.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, 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 adopted the proclamation declaring March as American Red Cross Month in Rockingham County.

Bill Brent, Executive Director of the American Red Cross of Shenandoah, Virginia Region, and Carol Ward, Red Cross community volunteer leader for Rockingham County, were in attendance to accept the proclamation.

Vice Chairman Cuevas expressed appreciation for the many hours of services provided by the American Red Cross wherever the need exists.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department, including updates to bridge, road and rural rustic projects.

Mr. Komara and Director of Community Development Armstrong met with Dr. Green and Valley Engineering to obtain rights-of-way on Massanetta Springs Road (Route 687).

Agreements are being procured from residents along Tiger Camp Road (Route 1604) and Jackson Way (Route 955), where VDOT is clearing trees and removing utilities.

Mr. Komara and Rhonda Cooper attended Smart Scale Project training on February 13, and have more training on February 27, 2018.

Mr. Komara noted a public hearing regarding the Port Republic Road (Route 253) interchange realignment of Interstate 81 exit 245, will be held on February 28, 2018 from 4 to 6 p.m., in the Harrisonburg City Council Chambers.

Recent maintenance work includes brush cutting and ditching, as well as shoulder widening on Greenmount Road (Route 772) so a center line can be painted in the spring.

Mr. Komara announced that bids were received for the East Point Road (Route 602) bridge near Shenandoah. He noted Lanford Brothers was the low bidder and regularly performs the type of work required on the bridge. He noted that trucks making deliveries from Frazier Quarry and RL Hensley & Son logging company in that area are currently weight restricted when crossing the bridge. The appearance of the bridge will remain the same, but the weight restriction will be removed when the upgrade is completed.

Supervisor Breeden informed Mr. Komara that he talked with David Dean from VDOT about potholes on East Side Highway (Route 340). Mr. Komara noted the sections of East Side Highway that Supervisor Breeden asked about from the bridge south of Island Ford Road (Route 649) north to the railroad tracks, and from the Elkton town limits north to the County line, are on the 2018 paving schedule.

Vice Chairman Cuevas thanked VDOT for the work being performed on Veters Road (Route 790).

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COUNTY ADMINISTRATOR'S STAFF REPORT.

Administrator King did not submit a written report, but indicated he had corresponded with Board members regarding proposed Senate Bills concerning Interstate 81.

Supervisor Kyger indicated Interstate 81 improvements cannot occur until a funding mechanism is determined. He is hopeful that one of the proposed study bills with funding options will be approved.

In response to a question from Vice Chairman Cuevas, Supervisor Kyger said Senator Obenshain's proposed bill to study truck tolls on Interstate 81 passed the Senate but still has to be passed in the House. Vice Chairman Cuevas noted Senator Obenshain asked the County to provide a letter of support if the Board finds his proposed bill (SB 971) acceptable. If a letter of support is provided, Vice Chairman Cuevas suggested asking that

the County be informed of any changes in the bill to allow an opportunity for the Board to withdraw support if the bill is no longer in the best interest of the County.

Supervisor Kyger said he believes Senator Obenshain’s proposed bill, as presented, is acceptable and he was in favor of Administrator King providing a letter supporting the bill to the County’s delegates.

Supervisor Breeden questioned whether the toll will be for truck lanes only and Administrator King responded that the toll will not be placed on commuters, local vehicles or local trucks. Administrator King emphasized that the proposed bill is to study funding options, not to impose a toll.

Supervisor Kyger reiterated that improvements will not be made until a method of funding is determined.

Vice Chairman Cuevas indicated he would like to keep the dialogue going and inform state representatives that the Board considers improvements to Interstate 81 an important issue.

Supervisor Breeden expressed concern that tolls placed on trucks will affect the costs for local industries. Administrator King agreed, but indicated delays due to accidents on the interstate also affect transportation costs.

Discussion continued regarding heavier trucks on Interstate 81 and possible fuel surcharges.

By consensus of the Board, Administrator King was asked to prepare a letter supporting Senator Obenshain’s proposed study bill with a copy to the local delegation.

Kim Sandum informed the Board that the heavy truck bill made it through crossover. Supervisor Kyger suggested sending a separate letter expressing that the County has great concerns about that legislation until there is a definitive proposal to improve Interstate 81.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

Mr. Anas introduced Josh Gooden, Economic Development/Tourism Coordinator, who started in the department on February 12, 2018.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated February 8, 2018.

Vice Chairman Cuevas reminded the Board of the budget meeting on February 21, 2018 at 6:00 a.m.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated February 14, 2018.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated February 14, 2018.

Mr. Rhodes noted there were two public works items requiring action.

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PUBLIC WORKS COMMITTEE REPORT.

Supervisor Breeden indicated bids were received for two projects at Three Springs Water Plant:

Finish Pumps

Based upon the reviews of Peed & Bortz, engineers for the project, and Public Works staff, it was recommended that the Wood Equipment Service Company bid in the amount of \$161,100 be approved.

Finished Pumping Station

Based upon the reviews of Peed & Bortz, engineers for the project, and Public Works staff, it was recommended that the Littleton & Associates, Inc. bid in the amount of \$727,000 be approved.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, 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 approved the Wood Equipment Service Company bid in the amount of \$161,100 for the Three Springs finish pumps; and approved the Littleton & Associates, Inc. bid in the amount of \$727,000 for the Three Springs finished pumping station.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated February 14, 2018.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated February 2018.

Mrs. Perry recognized Michael Bowen for supervising the Technology Department while she has been out of the office.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated February 2018.

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INTERIM PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Moyers' staff report dated February 14, 2018. Vice Chairman Cuevas thanked Mr. Moyers for his assistance in the Parks and Recreation Department until the new Director of Parks and Recreation, Kirby Dean, assumes the director position on a full-time basis.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated February 14, 2018.

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COMMITTEE REPORTS.

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

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

Mr. Armstrong noted the CSPDC met on February 5, 2018.

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Chandler reported the MPO will meet on February 15, 2018.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Anas announced the Shenandoah Valley Regional Air Service Forum will be held Friday, February 23, 2018, at 8:30 a.m. at the Blue Ridge Community College Plecker Auditorium. The forum is being coordinated through the Shenandoah Valley Partnership. Board members were invited to attend.

SOCIAL SERVICES

During the last Social Services meeting, Supervisor Breeden learned how many babies in our community are being born addicted to drugs.

Administrator King stated Mrs. Davidson serves on the Community Policy and Management Team, which plans to provide a presentation in April on the opioid crisis and drug exposure to children.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger said there are a number of bills advancing through crossover that are of concern to local governments; one of which is reporting of expenditures. He questioned whether the County's software allows reporting expenditures, and Mrs. Perry responded that the County is currently working on software for the interface. Supervisor Kyger stated the Board should be opposed to this bill due to the unfunded mandate nature because the County's books are transparent.

Following discussion regarding the fact that this bill is driven by a reaction to something a locality concealed, Supervisor Kyger said he hopes the Board supports the transparency the bill implies, but does not support the unfunded mandated aspect of the bill.

Supervisor Chandler announced that Senate Bill 405 and House Bill 1258, "Zoning for Wireless Communications Infrastructure", which limits local government's ability to

act on behalf of local citizens regarding cell towers, are being supported by Senators Obenshain and Hanger, as well as Delegates Landes and Wilt. He noted that the County has had concerns regarding this issue in the past.

CHAIRMAN

On behalf of Chairman Eberly, Vice Chairman Cuevas thanked the Board members and staff for their prayers for Mr. Eberly and his family. Vice Chairman Cuevas asked for support as he fills the void, which he hopes will be short term, as it takes the whole team to properly assist citizens.

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COMMITTEE APPOINTMENT.

On motion by Supervisor Breeden, seconded by Supervisor Kyger 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 nominated Richard Monger (District 5) for appointment by the Circuit Court to the Board of Equalization for the general reassessment of real estate currently underway in the County.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, 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 4:21 p.m. to 5:15 p.m., for a closed meeting pursuant to 2.2-3711.A, (1), Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and (7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MOTION: SUPERVISOR CHANDLER RESOLUTION NO: 18-01
SECOND: SUPERVISOR KYGER MEETING DATE: FEBRUARY 14, 2018

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, KYGER
NAYS: NONE
ABSENT: EBERLY

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RECESS.

At 5:16 p.m., Vice Chairman Cuevas recessed the meeting for dinner.

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CALL TO ORDER.

At 6:00 p.m., Vice Chairman Cuevas called the evening portion of the Board of Supervisors Meeting to order, and explained the public hearing procedures.

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INTRODUCTION OF STUDENTS.

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

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:03 p.m., Vice Chairman Cuevas opened the public hearing and Ms. Stultz reviewed the following special use permit requests:

SUP17-273 Randy Fauls, 269 Pear Street Harrisonburg 22801 for a motor vehicle repair shop and impound lot on property located on the north side of Pear Street (City) approximately 930' north of W. Mosby Road (Route 712), Election District #2, zoned A-2, Tax Map #108-(A)-164

Richard Johnson from Blackwell Engineering, who prepared the plan, was available to answer questions.

No one spoke in opposition to the request.

SUP17-333 Michael & Beverly Beery, 4866 Honey Run Road, Dayton, 22821 for a machinery and equipment center (limited to general agricultural repairs only) on property located on the west side of Honey Run Road (Route 743) approximately 4/10 mile south of Lumber Mill Road (Route 734), Election District #4, zoned A-1. Tax Map #105-(A)-178

The applicant was present.

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

Vice Chairman Cuevas closed the public hearing at 6:10 p.m.

Vice Chairman Cuevas said the Board had knowledge of Randy Fauls' request for some time, but wanted to wait until the City Council approved city utilities serving Mr. Fauls' property, which has occurred.

In Chairman Eberly's absence, Supervisor Breeden made a motion to approve SUP17-273 for Randy Fauls. Supervisor Chandler seconded the motion, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board, with the following conditions, approved SUP17-273, Randy Fauls, 269 Pear Street Harrisonburg 22801 for a motor vehicle repair shop and impound lot on property located on the north

side of Pear Street (City) approximately 930' north of W. Mosby Road (Route 712), Election District #2, zoned A-2, Tax Map #108-(A)-164

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. A copy of the entrance permit or official verification from the City that a permit has been obtained shall be submitted to Community Development prior to issuance of a building permit.
4. A copy of utility permits or official verification from the City that permits have been obtained shall be submitted to Community Development prior to issuance of a building permit.
5. All requirements of the Fire Prevention Code shall be met.
6. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and building permits shall not be obtained until such time as the site plan is approved.
7. All work shall be done inside the building.
8. There shall be no accumulation of junk, trash or parts located outside the building.
9. Vehicles within the impound lot shall be limited only to those that meet the requirements of the Rockingham County Zoning Ordinance. These shall be limited to wrecked vehicles awaiting insurance settlement or vehicles impounded by law enforcement. With both types of vehicles, they shall be kept no longer than 180 days.
10. This is not an automobile graveyard, and junked vehicles shall not be kept on this property unless they fall under the classification of #9 above.
11. Parking shall comply with the Rockingham County Code.
12. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
13. There shall be no off-premise signs permitted unless all County and State regulations are met.
14. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board, with the following conditions, approved SUP17-333, Michael & Beverly Beery, 4866 Honey Run Road, Dayton, 22821 for a machinery and equipment center (limited to general agricultural repairs only) on property located on the west side of Honey Run Road (Route 743) approximately 4/10 mile south of Lumber Mill Road (Route 734), Election District #4, zoned A-1. Tax Map #105-(A)-178

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained
3. This permit is contingent upon the applicant obtaining a sewage disposal system and water supply from the Health Department. A copy of said permits shall be submitted to the Community Development Department prior to issuance of a building permit. Well and septic shall be installed and approved by the Health Department prior to issuance of a certificate of occupancy.
4. Property is in Zone A floodplain. National Flood Insurance Program Regulations shall be met.
5. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
6. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
7. There shall be no off-premise signs permitted unless all County and State regulations are met
8. Parking shall comply with the Rockingham County Code.
9. As proffered by the applicant, the hours of operation shall be from 8 am to 5 pm, and all work shall be done inside the building.
10. As proffered by the applicant, this use shall be for general agricultural repairs and small parts associated with agricultural repairs. It shall not include the sale of agricultural equipment.
11. No junk, trash, or debris shall be allowed to accumulate on the property, including but not limited to junked agricultural equipment.
12. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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ADJOURNMENT.

Vice Chairman Cuevas declared the meeting adjourned at 6:12 p.m.

Chairman