

April 24, 2018

A Special Meeting of the Rockingham County Board of Supervisors was held on Tuesday, April 24, 2018, at 1:30 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The Special Meeting was scheduled for the purpose of holding a closed meeting to interview candidates who identified themselves as willing to fill the vacant Interim District 2 Supervisor position.

The following members were present:

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

Also present:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- TAMELA S. GRAY, Deputy Clerk

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CALL TO ORDER

Chairman Cuevas called the meeting to order at 1:38p.m.

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CLOSED MEETING.

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; KYGER – AYE; the Board recessed the meeting at 1:39 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.

County Administrator King, County Attorney Miller and the Deputy Clerk exited the meeting.

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RECONVENE MEETING.

At 5:03 p.m., Chairman Cuevas reconvened the Special Meeting to certify the closed meeting:

MOTION: SUPERVISOR KYGER RESOLUTION NO: 18-07
 SECOND: SUPERVISOR BREEDEN MEETING DATE: APRIL 24, 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:

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RECESS MEETING.

Chairman Cuevas declared the meeting recessed at 5:04 p.m. on April 24, 2018. The Special Meeting was recessed until April 25, 2018 at 4:00 p.m. in the Administration/ Board of Supervisors Conference Room, second floor, County Administrator's Office, County Administration Center, Entrance A, 20 East Gay Street, Harrisonburg, Virginia.

Chairman

April 25, 2018

A Recessed Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 25, 2018, at 3:53 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The Special Meeting held on April 24, 2018 was recessed until April 25, 2018, to hold a closed meeting to interview a candidate for the vacant Interim District 2 Supervisor position.

The following members were present:

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

Also present:

- STEPHEN G. KING, County Administrator
- TAMELA S. GRAY, Deputy Clerk

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CALL TO ORDER

Chairman Cuevas called the Special Meeting back to order at 3:54 p.m.

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CLOSED MEETING.

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; KYGER – AYE; the Board recessed the meeting at 3:54 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.

County Administrator King and the Deputy Clerk exited the meeting.

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RECONVENE MEETING.

At 4:49 p.m., Chairman Cuevas reconvened the Recessed Meeting to certify the closed meeting:

- MOTION: SUPERVISOR KYGER RESOLUTION NO: 18-08
- SECOND: SUPERVISOR CHANDLER MEETING DATE: APRIL 25, 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:

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ADJOURNMENT.

Chairman Cuevas declared the meeting adjourned at 4:52 p.m.

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Chairman

April 25, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 25, 2018, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- GEORGE K. ANAS, II, Assistant County Administrator
- CASEY B. ARMSTRONG, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- ANN MARIE FREEMAN, Director of Court Services
- PHILIP S. RHODES, Director of Public Works
- RHONDA H. COOPER, Deputy Director of Community Development
- KELLY S. GETZ, Code Compliance Officer
- 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

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

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**INVOCATION
PLEDGE OF ALLEGIANCE.**

Supervisor Breeden gave the Invocation and Director of Public Works Rhodes led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

Chairman Cuevas explained that in addition to the regular board meeting on April 11, 2018, the Board met in a special meeting on April 24, 2018, and a recessed meeting earlier in the afternoon (April 25, 2018) to interview candidates for the District 2 Supervisor.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board approved the minutes of the regular meeting of April 11, 2018, the special meeting of April 24, 2018, and the recessed meeting of April 25, 2018.

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INTRODUCTION OF STUDENTS.

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

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TRANSPORTATION DEPARTMENT.

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

Mr. Komara informed Supervisor Kyger that he met with Mr. Cosner, the citizen on North River Road (Route 867) that wants trees removed and spot improvements made so cars can easily pass each other. He noted roadwork will probably occur during the summer, and reported Mr. Cosner has moved his fence in preparation for the road improvement.

Mr. Komara provided another reminder that the Spring Transportation Conference will be held on May 3, 2018, from 4 to 6 p.m. at the Holiday Inn in Staunton, to review the six-year primary and interstate project plan.

He also informed the Board of a Metropolitan Planning Organization (MPO) long-range transportation plan public open house to be held April 26, 2018 in the Rockingham County Community Room from 4 to 6 p.m.

Recent maintenance work includes grading dirt roads, applying dust control, mowing, brush cutting, skin patching and ditching.

Mr. Komara informed Supervisor Breeden that work will begin soon on the East Point Road (Route 602) truss bridge near the Town of Shenandoah. He noted there will be night closures and traffic signals will be installed to control one-lane traffic. The appearance of the bridge will remain similar with an improved riding surface.

Mr. Komara stated Smart Scale project applications are due June 1, 2018 to be pre-scored, with the final applications due August 1, 2018. He said the Metropolitan Planning Organization (MPO) wants to expand the park-and-ride in Mt. Crawford. In response to a question from Supervisor Kyger, Mr. Komara said he believes the right-of-way was abandoned and the state owns the old section of Friedens Church Road (Route 257) to the gate entering the farm adjacent to the park-and-ride. Since more land may be needed for the park-and-ride, he will obtain estimates on the price of a right-of-way for the project. Supervisor Kyger offered to accompany Mr. Komara to meet with the owner of the neighboring farm.

Mr. Komara noted improvements to the Interstate 81 overpass bridge on North Valley Pike (Route 11) at Mauzy will be advertised in November or December and construction will be performed during the summer of 2019.

Supervisor Breeden informed Mr. Komara that a tree is leaning on power lines and is about to fall onto East Side Highway (Route 340) north of Merck. He also informed Mr. Komara that the 45-mile per hour speed limit signs on Captain Yancey Road (Route 642) were moved from each end of the road and placed next to each other at the site where a citizen was recently killed in an accident. Supervisor Breeden reminded Mr. Komara of his previous suggestion to improve the road shoulder since the road is narrow.

Supervisor Kyger expressed appreciation to VDOT for cutting down “tree-of-heaven” trees in the Mt. Crawford area where spotted lanternflies were seen. He hopes VDOT crews will continue to be aggressive in removing and killing the trees to keep the flies from spreading. Supervisor Kyger spoke with VDOT and the state forester, who are in contact with the Virginia Tech Cooperative Extension Service, which is working with the Penn State Cooperative Extension Service on eradication efforts of the spotted lanternflies. Administrator King noted that Mr. Armstrong will attend a meeting on May

8, 2018 at 2:00 p.m. with the Virginia Tech Cooperative Extension Service about the spotted lanternflies.

Administrator King indicated VDOT and County staff discussed a South Valley Pike (Route 11 South) Smart Scale funded project that is intended to have limited crossovers due to safety concerns. There will be a raised or grass median with selected areas for crossovers. Supervisor Kyger indicated additional crossovers may need to be incorporated for businesses along Route 11. Administrator King said the group expects to have drawings in 30 to 45 days and receive input. Supervisor Chandler suggested placing turn lanes at the crossovers, if possible.

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FAITH IN ACTION PRESENTATION.

Representatives from Faith in Action provided a presentation regarding the Faith in Action 2018 Focus.

Jennifer Davis Sensenig, Pastor of Community Mennonite Church and President of Faith in Action, explained that Faith in Action is a multi-faith coalition of 25 congregations in Harrisonburg and Rockingham County that work together on local justice issues. She indicated the group wants to address the need for local criminal justice reform and bring attention to suggested changes in the community. Faith in Action works in partnership with the Valley Justice Coalition, Northeast Neighborhood Association, Fairfield Center and numerous other organizations that endorse their work.

A petition with more than 250 signatures of County residents supporting criminal justice reform was submitted to the Deputy Clerk. Pastor Sensenig highlighted three specific requests to the Board: 1) Recommend that the Sheriff eliminate the \$1 a day keep fee; 2) Hire a community criminal justice planner to analyze the data obtained by the new information and data collection system; 3) Establish protocols for juvenile cases to be screened for a restorative justice process.

Pastor Sensenig noted the Faith in Action group is grateful for the institution of a local drug court which has begun to make a difference, but said more can be done to achieve greater justice.

Harvey Yoder, a local pastor, counselor, and co-chair of the Re-entry Council's Family Support Committee said a survey conducted with 86 members of inmate families indicated the greatest concerns were costs and care. He indicated over 80 percent of the respondents consider the \$1 a day keep fee important. He requested that the Board urge elimination of the fee or make it a judicial decision. Mr. Yoder said victims should be given priority in criminal justice system planning, and indicated restorative justice focuses on how wrongs can be made right to address the victim's needs. Mr. Yoder closed by stating he hopes the Board will consider their requests.

Daniel Barrows from the Valley Justice Coalition said he partnered with Faith in Action to recommend hiring a community justice planner to analyze data, access current programs and determine what programs will better serve the needs of those incarcerated. He would like the planner to calculate the return on investment of potential programs, determine best practices, and aid in writing grants. Mr. Barrows noted the cost of the position is small compared to the potential savings if the incarceration rate is reduced.

Teresa Nesselrodt reported her son is incarcerated at Middle River Regional Jail. Ms. Nesselrodt indicated she and her daughter work two jobs to get by so it is a hardship to pay the daily \$3 incarceration fee. Ms. Nesselrodt said she wishes her son had been offered direct restorative justice that would have made him take responsibility for his actions, because incarceration has turned him into an angry, depressed and bitter person.

Chairman Cuevas thanked the Faith in Action group for sharing their concerns. He noted that many of the solutions need to come from the state and federal government. The County often does not have many choices due to financial capabilities. He informed the

group that the Board hears them and will remind state and federal representatives that community needs are not always met with political partisanship during election time.

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INTRODUCTION OF STUDENTS.

Students from East Rockingham High School introduced themselves to the Board.

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CHILDREN’S SERVICES ACT (CSA) INFORMATIONAL PRESENTATION.

Christine Thompson, Children’s Services Act Coordinator, reported that in 1993, the Office of Children’s Services was established as a state-supervised, locally-administered system to assess and meet the needs of troubled and at-risk youth and their families, with consolidated funding from the Department of Social Services, Education, Juvenile Justice and Behavioral Health. Mrs. Thompson presented an overview on the mission, core values and principles of the Comprehensive Services Act. She also reviewed the populations served and expenditures. Mrs. Thompson indicated services are demand-driven and difficult to budget.

Ellen Harrison, Executive Director of the Community Services Board (CSB) stated 85 percent of youth served by the CSB receive Medicaid services. In 2017, the CSB served 1,300 children with 2.3 percent CSA funding. Of the more than 3,000 adults served in 2017, only 0.6 percent were covered by CSA funding, she said.

Mrs. Harrison reviewed the following programs administered by the CSA: Infant and Toddler Connection for children age 0 to 3 years who have a developmental delay of 25 percent or more, have a physical diagnosis or a documented drug exposure; Family care coordination for children in residential placements (starts 90 days before the child is released from a residential placement) to help the child adjust to returning to their home, family, school and friends); and Services for Adults, which assesses individuals with substance abuse issues and develops a service plan based on the level of care needed. Mrs. Harrison said intensive outpatient that is provided three hours a day, three days a week is very successful.

Beth Lawler, Assistant Director of the Harrisonburg Rockingham Social Services District (HRSSD), reported that 26,086 community members received benefits through the HRSSD in 2017. Mrs. Lawler indicated people needing services in the community often contact Social Services first. She reviewed the programs provided by Social Services through Child Protective Services, Foster Care, Adoption, and Adult Protective Services. Daycare and VIEW helps individuals become employable and self-reliant. The cost of services are covered through Medicaid or the individual’s private insurance before utilizing CSA funds.

Mrs. Lawler pointed out that drug use is the most common challenge HRSSD faces with families. Children and parents are not drug tested unless Social Services has a reason to think they may have drug exposure. She noted that 65 percent of children tested were positive for drugs. Most of those children were under age 10 and were exposed by smoke or access to drug paraphernalia.

Mrs. Lawler stated that 186 children are currently in foster care in Harrisonburg and Rockingham County.

Supervisor Kyger stated money needs to be invested in early intervention services that provide a safe haven and rehabilitation for children because brain development begins at birth and 80 percent of knowledge is learned in the first seven to eight years of life.

In response to a question from Chairman Cuevas about adoption in the United States compared to other nations, Mrs. Lawler explained the adoption process for children

in foster care and indicated the private adoption process works differently. She was not sure how adoptions work in other countries.

Chairman Cuevas thanked Mrs. Thompson, Harrison and Lawler for the important services they provide. Supervisor Chandler asked each of them to convey the Board's appreciation to their colleagues.

Supervisor Breeden informed the Board of the Annual Foster/Adoptive Parent Banquet to be held on May 11, 2018 from 6 to 8 p.m. at Eastern Mennonite University in Martin Chapel. He invited the Board members to attend and meet families who help provide services to area children.

(A copy of the Children's Service Act Informational Presentation is included in the "Attachments – Board of Supervisors Minutes" notebook maintained in Administration.)

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

Mr. Anas said it had been a pleasure to represent the County the last few years, and thanked the Board for that opportunity. He complimented the area business community and County. While he is returning to the private sector, Mr. Anas said he is glad Rockingham County will remain his home.

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RECESS.

At 7:26 p.m., Chairman Cuevas recessed the meeting for a short break.

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PUBLIC HEARING – REZONING REQUESTS.

At 7:30 p.m., Chairman Cuevas opened the public hearing and Ms. Cooper reviewed the following rezoning requests:

REZ18-011 Randy Cosner, PO Box 609, Broadway VA 22815, to rezone a 1.546-acre parcel located on the northwest side of Boyers Road (Route 704) approximately 350 feet north of Cullison Court (Route 1013), from A2 (General Agricultural) to R3-C (General Residential with Conditions). The Comprehensive Plan identifies the area as Mixed Use Center. Tax map #125-(A)-L223B. Election District 3.

Ms. Cooper indicated the property immediately across from this site, which recently sold, is zoned R-3.

On March 6, 2018, the Planning Commission expressed concern with the compatibility of R-3 commercial uses at this location and tabled the request. The applicant submitted proffers limiting the development to residential uses on March 12, 2018. Just prior to the public hearing, Ms. Cooper provided the Board with a revised proffer which further refines that language.

Ms. Cooper said the Planning Commission recommended approval on April 3, 2018, concurring with staff's recommendation for approval which states:

This request is in conformance with the Comprehensive Plan for a Mixed Use and Urban Development Area and is compatible with existing and projected future surrounding uses.

Ed Blackwell from Blackwell Engineering said he represents Randy Cosner, who would like to develop a small residential community, most likely with townhomes. He noted the Planning Commission's concern regarding businesses on the property. The revised proffer limits the use and development of the property to residential. Mr. Blackwell further noted the property has water and sewer, and VDOT approval for an entrance that aligns with the property across the road.

In response to a question from Chairman Cuevas, Ms. Cooper responded that the total number of units has not been determined but the site is only an acre and a half.

Mr. Blackwell explained the usable area is limited due to a buffer setback since there is an A-2 parcel on each side of the property, and parking is needed for the units. The property cannot be maximized due to environmental issues in converting from forested to developed conditions. Mr. Blackwell said water retention and quality features on the site will take up residential space. He said a detailed plan has not been prepared, but Mr. Cosner intends to construct about 10 units, due to the buffer setbacks and environmental limitations.

No one spoke in opposition to the request.

REZ18-056 Gary Sandridge (HABU Development), 116 East Point Road, Elkton VA 22827, to rezone a 53.773-acre parcel located on the north and south sides of Island Ford Road (Route 649) approximately 800 feet southeast of McGaheysville Road (Route 996), from A2 (General Agricultural) to PSF (Planned Single Family). The Comprehensive Plan identifies the area as Residential within the Urban Growth Boundary and in the Village Core of the McGaheysville Area Plan. Tax map #142A2-(A)-L5. Election District 5.

Ms. Cooper noted the property is adjacent to Whispering Pines and just north of the Ponds community. She said a shared-use path, as called for in the County's Bicycle and Pedestrian Plan, will be installed along the west side of Island Ford Road.

Ms. Cooper said the Planning Commission recommended approval on April 3, 2018, concurring with staff's recommendation for approval which states:

This property is identified as part of the residential development area of the Village Core in the McGaheysville Area Plan. The property is bordered on the west and northeast by residential zoning, small A-2 parcels with single-family dwellings, as well as farmland to the south, and farther south of it residential zoning. The proposal is compatible with the existing residential development in the area.

In response to a question from Chairman Cuevas, Ms. Cooper said the plan description does not address the number of units to be phased in annually, but indicated that could be discussed with the applicant.

Ed Black from Blackwell Engineering said the developer would like to be market-driven rather than set a specific number of units to be built each year. In addressing engineering and traffic questions, Mr. Blackwell noted the property is in an area with water and sewer. VDOT will probably require additional turn lanes, right turn tapers and deceleration lanes. The streets will have curb and gutter, with a sidewalk on at least one side. A bike trail with pedestrian access will be along Island Ford Road. Approximately 25 percent of the property will be open space, with a park on each side of the property to meet green space requirements and provide recreational uses.

In response to a question from Administrator King regarding the timing of the infrastructure, Mr. Blackwell indicated water is along Island Ford Road and both sides of the site have sewer. Since a sewer line runs through the middle of the parcel on the east side of Island Ford Road, that section will probably be developed first. Mr. Blackwell

indicated water line improvements will be made along Jacob Burner Road, which will help with flow issues.

Supervisor Breeden expressed concern about a traffic bottleneck into this subdivision, particularly during peak travel hours. He questioned whether the turn lanes will alleviate the traffic issue. Mr. Blackwell indicated VDOT did not ask for a traffic model and nothing was mentioned about widening the road or adding a traffic light. He said once the turn lanes and tapers have been installed, Island Ford Road will be widened across their frontage.

Supervisor Kyger stated Island Ford Road is a significant cut-through from Route 33 to Route 340, with congestion during high-traffic times, and that will only intensify. When development occurs along Island Ford Road, Supervisor Kyger indicated it would be wise for the Board to work with the developers to obtain rights-of-way for future expansion of Island Ford Road.

Ed Blackwell indicated the development will have 13 acres of common area so it will be easy to accommodate additional lanes on Island Ford Road in the future.

Applicant Gary Sandridge said the contract owner is HABU Development and indicated Bill Springer is his partner. Mr. Sandridge lives on Route 33 at the intersection of East Point Road (Route 602). While this is their first development in Rockingham County, he and Mr. Springer have developed numerous subdivisions in other counties with houses priced in the \$200,000 range. He indicated development will start with the section south of Whispering Pines and the phase-in process will take three to five years.

Mr. Sandridge said he understands Chairman Cuevas' concerns about the phase-in and services for residents, but he does not anticipate service demand issues since the fire department is across Route 33, the rescue squad is nearby, and school space is not an issue. Mr. Sandridge stated they have not addressed the roadway issue because VDOT did not indicate a traffic study was necessary.

Mr. Sandridge noted a community meeting was held with eight to 10 people, and they tried to address the concerns raised. He encouraged the Board to visit some subdivisions HABU developed, or view photos of their subdivisions.

Since there are seven towns in the County that the Board has no control over, Chairman Cuevas said the Board tries to ensure new developments are similar to those in the towns.

Jack Ross, Mr. Sandridge's brother-in-law, is a realtor and indicated there is a severe shortage of housing in the area. He informed Supervisor Breeden that he is aware of the traffic signal issue on Island Ford Road with motorists frequently sitting through the light three or four times, but believes it could be addressed by VDOT changing the timing of the light.

Kim Sandum noted concerns regarding the phasing of the development since there are no specific proffers, addressing the road capacity and current traffic issues. She was glad to hear about the bike lane, but expressed concern about the cul-de-sacs even though there are stubs and connections which are helpful. When Ms. Sandum mentioned the small lot that is not connected to these two parcels, Mr. Sandridge said the parcel is not a part of his purchasing contract.

Dick Blackwell noted the two properties associated with the request and small tract are owned by the same person and have the same tax map number, so the small tract had to be included in the rezoning. The small parcel will be rezoned from A-2 to single family if the rezoning request is approved, which is the current use of the small lot.

Supervisor Breeden stated he received several calls from The Ponds and Whispering Pines residents who indicated they like the "corn fields." Mr. Sandridge indicated the lots backing up to Whispering Pines will be larger, and said HABU Development plans to build good quality homes that are affordable.

No one spoke in opposition to the request.

REZ18-063 Ronnie Freed, 18943 Brocks Gap Road, Bergton VA 22811, to rezone a 2-acre portion of parcel located on the west side of Brocks Gap Road (Route 259) approximately 900 feet north of Bergton Road (Route 820), from A2 (General Agricultural) to RV (Rural Village). The Comprehensive Plan identifies the area as Agricultural Reserve. Tax map #11-(A)-L25B. Election District 1.

Ms. Cooper noted the applicant submitted proffers on April 17, 2018. If the rezoning is approved, Mr. Freed will need to apply for a special use permit to construct the mini-storage facility.

On April 3, 2018, the Planning Commission recommended denial on a 4 to 0 vote, stating that the community needs to be involved in designating the area as a rural village in the comprehensive plan before using the rural village zoning district to rezone a parcel that includes the full list of RV uses available to it. Two weeks later proffers were submitted to limit the use.

Ms. Cooper indicated staff recommended approval on March 28, 2018, by stating;

This property is located approximately 0.1 mile north of the intersection of Bergton Road and Brocks Gap Road, which is the main collector point in this portion of the County. A community park-and-ride is located at this important crossroads. The area is well-suited for future rural village-type development to serve isolated communities in the northwest part of the County.

Kim Sandum stated a single parcel designated as a rural village sounds like spot zoning. If the intention is to develop more than one parcel, the area should go through the comprehensive plan process to be designated a rural village, she said.

Chairman Cuevas closed the public hearing at 8:13 p.m.

Supervisor Chandler noted Mr. Blackwell indicated Randy Cosner's request was for eight to 10 townhomes. Since setbacks are required and a minimum of two parking spaces are needed per unit, with additional visitor parking depending on the number of bedrooms, Supervisor Chandler said that will not leave much open space. He asked Mr. Blackwell if Mr. Cosner would be comfortable with a maximum of 10 units.

Since there are A-2 lots with single-family homes on each side of the proposed development, Supervisor Chandler asked if there could be a buffer. Ms. Cooper indicated a buffer is required.

Ms. Cooper indicated the commitment to a maximum number of 10 units would need to be submitted in writing before the request is approved. She questioned whether a common area would be included. Mr. Blackwell indicated a detailed layout had not been prepared because Mr. Cosner is working on the topographical information

Supervisor Chandler indicated the commitment could be for a maximum of 10 units, with a common area if possible.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board, subject to the following proffer and commitment that the maximum number of townhouse units will be 10, approved REZ18-011, Randy Cosner, PO Box 609, Broadway VA 22815, to rezone a 1.546-acre parcel

located on the northwest side of Boyers Road (Route 704) approximately 350 feet north of Cullison Court (Route 1013), from A2 (General Agricultural) to R3-C (General Residential with Conditions). The Comprehensive Plan identifies the area as Mixed Use Center. Tax map #125-(A)-L223B. Election District 3.

Proffer:

I, Randy Cosner, hereby proffer that the use and development of this property shall be limited to residential uses only.

Supervisor Breeden said Whispering Pines was developed about 25 years ago, before he served on the Board. He expressed having a hard time grasping the proposed development because it looks so large from Island Ford Road. He knows HABU Development does good work, but said he wanted to table the rezoning request to obtain more information on the density and alignment with other subdivisions on the Island Ford corridor.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board tabled REZ18-056, Gary Sandridge (HABU Development), 116 East Point Road, Elkton VA 22827, to rezone a 53.773-acre parcel located on the north and south sides of Island Ford Road (Route 649) approximately 800 feet southeast of McGaheysville Road (Route 996), from A2 (General Agricultural) to PSF (Planned Single Family). The Comprehensive Plan identifies the area as Residential within the Urban Growth Boundary and in the Village Core of the McGaheysville Area Plan. Tax map #142A2-(A)-L5. Election District 5.

On behalf of Chairman Cuevas, 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; KYGER – AYE; the Board tabled REZ18-063, Ronnie Freed, 18943 Brocks Gap Road, Bergton VA 22811, to rezone a 2-acre portion of parcel located on the west side of Brocks Gap Road (Route 259) approximately 900 feet north of Bergton Road (Route 820), from A2 (General Agricultural) to RV (Rural Village). The Comprehensive Plan identifies the area as Agricultural Reserve. Tax map #11-(A)-L25B. Election District 1.

Having consulted with and following the guidance of staff, Chairman Cuevas requested that a Board member send Mr. Freed's request back to staff to re-evaluate warehouses in agricultural districts, with the possibility of removing the supplemental standard that requires storage units be in an agricultural building at least three years old.

Supervisor Chandler made a motion, seconded by Supervisor Kyger, to direct staff to re-evaluate warehouses in agricultural districts, with the possibility of removing the supplemental standard that they must be in an agricultural building that is at least three years old.

Chairman Cuevas asked Mr. Armstrong to have staff review the Bergton area and agricultural district regulations. While he indicated there is no pressure, he asked that staff provide a recommendation as soon as they feel comfortable since Mr. Freed has been waiting for some time to move forward with a mini-storage facility in the Bergton area.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board directed staff to re-evaluate warehouses in agricultural districts, with the possibility of removing the supplemental standard that they must be in an agricultural building that is at least three years old.

Ms. Cooper asked to interject that the application for REZ18-011 was signed by Randy Cosner and the landowner, Barbara Finnegan, on behalf of Incarnation Properties. She asked if Blackwell Engineering has the authority to sign on behalf of Mr. Cosner and Ms. Finnegan. Mr. Blackwell indicated Mr. Cosner is the contract purchaser and will close soon, but Blackwell cannot sign on behalf of Mr. Cosner or the seller.

Administrator King asked Ms. Cooper if she knew the maximum number of units in that particular zoning district and Ms. Cooper noted it is either eight or 10 per acre. She further indicated there is an acre and a half in the proposed property and the buffer requirements (setbacks and parking) are significant.

Chairman Cuevas indicated if there is a technicality with the proper person signing the proffer, he hopes the Board will inform staff that REZ18-011 for Randy Cosner has been approved, pending the authorized individual(s) signing a commitment that the maximum number of townhouse units will be 10.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator King's staff report dated April 19, 2018. He noted there were items in his staff report to be discussed in closed meeting.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated April 18, 2018.

Chairman Cuevas noted the County is waiting on approval of the state budget before approving the County's FY2018-19 proposed budget.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

Mr. Rhodes did not have a written staff report. Chairman Cuevas reminded Mr. Rhodes of his request regarding TV towers and the manner in which possible bids will be solicited. He asked Mr. Rhodes to work with the County Attorney on those details.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated April 25, 2018.

Mr. Armstrong asked that the Board direct the Building Official to conduct an assessment of a potentially dilapidated structure at 4154 Park Way, Elkton, Virginia owned by the Robert V. Dovel family. He would like to have the Building Official assess the structure.

Chairman Cuevas asked for a motion to instruct staff to proceed with the proper actions to determine if the structure is dilapidated. Supervisor Breeden noted the Dovel property has been cleaned up three times previously.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board directed the Building Official to conduct an

assessment of a potentially dilapidated structure at 4154 Park Way, Elkton, Virginia owned by the Robert V. Dovel family, to determine if the structure is dilapidated.

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CHAMBER OF COMMERCE UPDATE

Chairman Cuevas acknowledged Frank Tamberrino, Executive Director of the Harrisonburg-Rockingham Chamber of Commerce and asked Mr. Tamberrino to provide a brief update on the Chamber of Commerce.

Mr. Tamberrino indicated the Annual Economic Outlook Breakfast was held recently with George Anas, Harrisonburg Economic Development Director Brian Shull and Barry Duvall with the Virginia Chamber on the panel. He noted the community received a good report from the state and local economic developers. Mr. Duvall indicated Harrisonburg and the County are economically strong and business development is happening. He noted workforce development is key due to low unemployment. He also noted that the Shenandoah Valley Partnership has been trying to bring activity and business into the Valley. He said part of economic development is to be visible and recruit businesses.

Mr. Tamberrino stated a coalition consisting of James Madison University staff and other individuals will conduct a study regarding the economic impact of immigrants in the community. He noted other communities have conducted similar studies.

Mr. Tamberrino said the “Improve 81 Coalition” which consists of Chamber of Commerce offices in Winchester, Front Royal, Shenandoah, Harrisonburg, Rockingham County, and Augusta County is speaking out, and people are listening and offering to help. He said the Valley may not have the level of service that warrants road attention like areas with a larger population, but the issue needs to be addressed.

Mr. Tamberrino noted the Chamber has provided great Leadership programs for many years that develop future leaders. He also noted Valley Fest will be held at Massanutten Resort on May 26, 2018.

As President of the Virginia Association of Chamber of Commerce Executives, Mr. Tamberrino has scheduled their annual meeting at the Hotel Madison.

Chairman Cuevas expressed appreciation for the impact Mr. Tamberrino has in the area. He said it is difficult to fill available jobs in the County with unemployment under 3 percent. He hopes the immigration issue will be addressed in a reasonable way as it has an impact on the workforce. A good economic atmosphere is not advantageous if there are not enough employees to do the work, Chairman Cuevas said.

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COMMITTEE REPORTS.

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

AIRPORT

Supervisor Kyger understands from Michael Heatwole, the County’s representative on the Shenandoah Valley Regional Airport Commission, that the airport is optimistic about the new carrier because ticket sales are up and flights have been on time, with no delays. A glitch with Saturday flights has been resolved, he said.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

Mr. Armstrong said the CSPDC met on April 16, 2018, with an informative presentation on “Agribusiness in the Modern Economy” by Katie Frasier, on behalf of the Virginia Agribusiness Council.

Chairman Cuevas informed Mr. Armstrong that the Board appreciates that he has taken on some additional responsibilities in a positive and productive way.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Kyger scheduled a May 3 phone call with Kathy Rowings, Associate Program Director for Justice, from the National Association of Counties (NACo).

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Chandler reported the MPO met April 19, 2018 to review long-range plans and amendments. He reminded the Board again of the VDOT meeting with the Virginia Commissioner of Transportation on May 3 at the Staunton Holiday Inn.

Ms. Cooper reminded the Board of the MPO long-range transportation plan amendment public open house from 4 to 6 p.m. on April 26, 2018, in the Rockingham County Community Room.

SOCIAL SERVICES

Supervisor Breeden reiterated that the Annual Foster/Adoptive Parent Banquet is May 11, 2018 from 6 to 8 p.m. at Eastern Mennonite University in Martin Chapel.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reported that VACo held its spring Board Meeting in Tappahannock last week. He provided Board members with the VACo analysis of local government issues before the General Assembly, which indicates this year's session was somewhat friendly to local government while taking more zoning control away from local government, particularly in the area of cell towers and public rights-of-way. Supervisor Kyger said the Board will probably not have much control over cell towers and public rights-of-way in the future and suggested citizens who are upset be referred to State senators and delegates, who can explain why they voted the way they did.

Supervisor Kyger reported VACo is not increasing its dues, but the County will pay more due to increased population numbers released by the Weldon Cooper Center.

CHAIRMAN

Chairman Cuevas reported that the Board was privileged to meet with 10 outstanding Rockingham County District 2 residents who were considered for the District 2 Supervisor position for the seat vacated by Frederick Eberly, who resigned from the Board due to health issues.

Chairman Cuevas said the candidates were a great group of citizens interested in working on behalf of County citizens to continue to make Rockingham County one of the best places to live in Virginia. He stated the Board reached a consensus and was ready to announce the person selected to fill the term until the November 2018 election, at which time a District 2 resident will be elected. He explained that the person elected by the residents of District 2 in November 2018 will fulfill Mr. Eberly's remaining term through 2019. The election for a District 2 supervisor to serve a regular, four-year term will be held in November 2019.

Supervisor Kyger made a motion, seconded by Supervisor Breeden, to appoint Sallie Wolfe-Garrison as the District 2 Supervisor.

Supervisor Kyger asked that Mrs. Wolfe-Garrison file the required paperwork so she may be sworn-in by the Clerk of the Court, and assume the duties of the office as soon as possible.

Chairman Cuevas indicated a couple of the candidates who offered themselves for consideration as the District 2 Supervisor were in attendance. He thanked Kim Sandum and Ruth Stoltzfus-Jost for their interest and indicated how important it is for them to continue in their current roles that support local government and serve citizens.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board appointed Sallie Wolfe-Garrison to serve as the District 2 Supervisor until the November 2018 election.

Chairman Cuevas congratulated Mrs. Wolfe-Garrison and said the Board looks forward to working with her to serve County citizens.

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CLOSED MEETING.

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; KYGER – AYE; the Board recessed the meeting from 8:44 p.m. to 9:23 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 (3), Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

MOTION: SUPERVISOR BREEDEN RESOLUTION NO: 18-09
SECOND: SUPERVISOR KYGER MEETING DATE: APRIL 25, 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:

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ADJOURNMENT.

Chairman Cuevas declared the meeting adjourned at 9:24 p.m.

Chairman