

April 26, 2017

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 26, 2017, 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 was absent, with the exception of participation via speakerphone from 6:17 p.m. to 6:25 p.m.

Also present:

DR. CAROL S. FENN, School Superintendent

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  
RHONDA H. COOPER, Director of Planning - attended afternoon meeting only  
PATRICIA D. DAVIDSON, Director of Finance  
BARRY E. HERTZLER, Director of Public Works  
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.**

Chairman Chandler called the meeting to order at 6:00 p.m. Supervisor Kyger gave the Invocation and Public Works Director Hertzler led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Eberly, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the minutes of the regular meeting of April 12, 2017.

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**TRANSPORTATION DEPARTMENT.**

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

- Lee Highway/South Valley Pike (Route 11) bridge – work is being performed on the deck and the project should be completed in July;
- Airport Road (Route 727) project – work started at the intersection of Wise Hollow

Road (Route 698) and is progressing, with anticipated completion in late summer; and

- Ottobine Road (Route 257) bridge – temporary signals will be installed next week and traffic will be detoured using Cannery Woods Drive (Route 737).

Mr. Komara reported VDOT is lining a pipe on Spotswood Trail (Route 33) East, near the entrance to Shenandoah National Park, with an ultra-lite coating that hardens inside the pipe.

Mr. Komara noted sidewalk work in Grottoes will go to bid in June with the project starting in late summer, and a showing on the Reservoir Street project went well, with six interested contractors.

Rural rustic improvements include:

- The slope repair on Overly Hollow (Route 823) is completed except for fence work.
- Asphalt is being laid on Willow Run Road (Route 767). In response to a question from Supervisor Eberly regarding painting lines on the road, Mr. Komara will add lines if the road meets the required traffic count for it to be striped. He noted it does meet the road width criteria.
- Tree cutting on Koontz Corner Road (Route 807) and along Captain Shands Road (Route 690) has been completed, but additional work is on hold until June since VDOT has maintenance money to perform asphalt patching.

Mr. Komara announced the public hearing regarding the Six-Year Improvement Program (SYIP) to review Smart Scale projects for the primary, interstate, and urban highway system will be held at Blue Ridge Community College on April 27, 2017 from 5:30 to 7:00 pm. The County submitted three projects.

VDOT will install a temporary signal at the intersection of Cecil Wampler Road (Route 704) and Valley Pike (Route 11). Mr. Komara said he met with the Warren family regarding the Route 704 realignment project and temporary signal. Oakwood Drive (Route 704) will tie into the curve on Cecil Wampler Road (Route 704). A median will probably be installed after the road is realigned so that the Warren family must turn right when exiting their driveway.

VDOT is waiting on revenue sharing funds to start on the right and left turn lanes from Valley Pike (Route 11) onto Oakwood Drive (Route 704). Mr. Komara said an announcement should be made at the next Commonwealth Transportation Board meeting.

A public hearing for secondary roads will be held during the May 24 or June 14, 2017 Board meeting. Mr. Komara will integrate road projects mentioned to him during the year, and Board members can provide additional recommendations. Once the proposed plan is prepared, he will work on it with Administrator King.

Maintenance activities include grading roads, asphalt leveling, and preparing for the mowing season.

In response to a question from Supervisor Cuevas, Mr. Komara stated he met with the Town of Timberville regarding a truck restriction on Memorial Park Drive (Route 1530), as well as a right turn onto McCauley Drive (Route 800). He also noted the sidewalk on the Timberville bridge is being repaired.

Supervisor Cuevas asked Mr. Komara to contact the Town of Timberville about median mowing when the wild flowers are not blooming.

Supervisor Kyger said he and Mr. Komara need to meet with Mr. Hutcheson at the Lee Highway/South Valley Pike (Route 11) bridge about what is occurring with the entrance. Mr. Komara will schedule a meeting when the consultant's plan is finalized.

**CONSIDERATION – ELECTRONIC VOTING POLICY.**

Mr. Miller reviewed a proposed policy regarding electronic voting when a Board member is unable to attend a meeting due to a temporary or permanent disability, or other medical condition that prevents their physical attendance.

On motion by Supervisor Kyger, seconded by Supervisor Eberly, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board adopted the following policy:

**THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY  
POLICY REGARDING ELECTRONIC PARTICIPATION  
IN BOARD MEETINGS BY SUPERVISORS  
FROM REMOTE LOCATION**

A member of the Rockingham County, Virginia, Board of Supervisors may participate in a regular or special meeting of the Board of Supervisors through electronic means from a remote location that is not open to the public if that member notifies the Chairman of the Board of Supervisors that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member’s physical attendance. The minutes of that board meeting shall record that the Chairman was notified by the member that the member was unable to attend due to a temporary or permanent disability or other medical condition that prevents the member’s physical attendance and shall record the remote location from which the member participated electronically.

A quorum of the Board of Supervisors shall be physically assembled at the primary location for the meeting.

The Board shall make arrangements for the voice of the remote participant to be heard by all persons at the primary meeting location.

This policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

This policy may be amended from time-to-time as the Board of Supervisors deems appropriate.

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**ADOPTION OF FY 2017-2018 BUDGET, SETTING TAX RATES FOR CALENDAR YEAR 2017 AND PROPOSED WATER AND SEWER RATES.**

Supervisor Kyger made the following statement for the record:

1. TRANSACTION INVOLVED: Consideration and adoption of a budget, related matters such as tax rates, and other issues concerning schools.
2. NATURE OF PERSONAL INTEREST IN THE TRANSACTION: I am an employee of the Rockingham County School Board. Therefore, I am affected by this Board's decisions concerning school funding and similar issues.
3. As a teacher, I am a member of an occupation the members of which are affected by the transaction specified in my opening statement.
4. I am able to participate in the transactions fairly, objectively, and in the public interest, and I will vote.

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Chairman Chandler stated that he was notified Supervisor Breeden was unable to attend the meeting due a temporary or permanent disability or other medical condition that prevents his physical attendance.

Mr. Miller indicated the remote location Supervisor Breeden would be participating from was Sentara RMH, and he was participating by speakerphone. Mr. Breeden joined the meeting via speakerphone at 6:17 p.m.

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Supervisor Kyger made a motion, seconded by Supervisor Eberly to approve the advertised proposed tax rates for the calendar year 2017.

Supervisor Cuevas said since the County will be reassessing property values effective January 1, 2018, the 2016-2017 budget year carryover amounts are unknown at this time, and considering financial issues regarding the technology park, he will vote no on any real estate tax increase this year.

Carried by a roll call vote of 3 to 2, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - NAY; EBERLY – NAY; KYGER - AYE; the Board adopted the following tax rates for calendar year 2017:

**PROPOSED TAX RATES**

<u>Classification of Tax</u>	<b>Actual 2016</b>	<b>Proposed 2017</b>
Real Estate	\$ 0.70	\$ 0.74
Manufactured Home	0.70	0.74
Countryside Sanitary District	0.29	0.29
Personal Property	2.90	3.00
Recreational Vehicles	2.90	3.00
Machinery & Tools	2.55	2.55
Merchants Capital	0.87	0.87
Farm Machinery	0.44	0.44

Property taxes are levied for each one hundred dollars of assessed value as of January 1. Property is assessed at fair market value for all classes, except personal property vehicles, which are assessed at loan value, and merchants capital, which is based on 67% of fair market value. Tax rates are effective January 1, 2017.

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Chairman Chandler noted there were some changes to the budget after the April 12, 2017 public hearing, which Mrs. Davidson previously summarized as follows:

The following revisions were made to the proposed budget after the April 12, 2017 public hearing:

The total proposed County budget for FY17-18 was advertised at \$377,629,058. Since the proposed budget, minor changes have been made resulting in a total adopted budget of \$377,573,881. Those changes are outlined as follows:

1. An increase to the school operating transfer in the amount of \$150,000. The maintenance of the school administration building has historically been managed by County staff in the past and is now being transferred to the school operating budget. This amount was discussed during the budget process and not included in either the County or the Schools budgets.
2. The Middle River Regional Jail operating costs decreased by \$30,891 in relation to the proposed budget.
3. The County contribution to the Shenandoah Valley Juvenile Center decreased by \$8,444 in relation to the proposed budget.
4. An increase to fund balance usage in the amount of \$110,665 was used to cover the net increase of the three items above.

5. Landfill reduction of \$315,841 for the purchase of a D6 Dozer. The landfill purchased the equipment during FY17, thus funding is no longer needed in the FY18 budget for the purchase. A reduction to the waste disposal revenue account will offset the decrease in expenditures.

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Supervisor Kyger made a motion, seconded by Supervisor Eberly to adopt the proposed FY 2017-2018 budget as amended in the amount of \$377,573,881.

Supervisor Cuevas stated he did not want to vote for the budget if it includes the increased real estate tax rates. Mr. Miller confirmed the budget does include the increased real estate tax rates.

Carried by a roll call vote of 3 to 2, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - NAY; EBERLY – NAY; KYGER - AYE; the Board adopted the following FY 2017-2018 budget:

**COUNTY OF ROCKINGHAM, VIRGINIA  
BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2017,**

**REVENUES**

	<b>AMENDED FY 2016-17</b>	<b>PROPOSED FY 2017-18</b>
<b>GENERAL FUND</b>		
General Property Taxes	\$ 79,562,500	\$ 85,274,500
Other Local Taxes	10,991,300	11,521,350
Other Local Revenue	12,402,878	12,011,315
State Revenue	17,427,331	17,402,035
Federal Revenue	1,982,566	1,410,594
Insurance Recoveries	8,750	0
Transfers from Other Funds	0	0
Balance Carried Forward	8,027,887	2,960,045
<b>TOTAL GENERAL FUND</b>	<b>\$ 130,403,212</b>	<b>\$ 130,579,839</b>
Capital Projects Fund	\$ 20,432,742	\$ 550,000
School Capital Projects Fund	6,086,624	19,363,000
School Fund	131,434,538	137,268,400
School Cafeteria Fund	5,396,946	5,460,535
Massanutten Technical Center	5,536,364	5,913,027
Asset Forfeiture Fund	115,900	115,900
H'burg Rockingham Soc Services District	17,875,569	18,029,644
H'burg Rockingham Children's Services Act	9,235,150	9,287,883
Central Stores Fund	45,000	45,000
Self-Funded Health Insurance Plan Fund	27,810,885	29,956,000
Water & Sewer Utilities Fund	13,069,609	14,054,087
Lilly Subdivision Sanitary District	53,958	53,740
Smith Creek Water & Wastewater Auth	414,999	414,943
Countryside Sanitary District	19,145	19,042
Penn Laird Sewer Authority	29,031	29,024
Solid Waste Fund	9,601,261	4,682,958
Laird L Conrad Law Library Fund	50,585	50,585
Economic Development Authority	0	7,500
Human Resources Rental Fund	232,774	232,774
Emergency Medical Services Transp Fund	1,312,926	1,460,000
<b>TOTAL REVENUES</b>	<b>\$ 379,157,218</b>	<b>\$ 377,573,881</b>

**EXPENDITURES**

	<b>AMENDED FY 2016-17</b>	<b>PROPOSED FY 2017-18</b>
<b><u>GENERAL FUND</u></b>		
General Government Administration	\$ 6,491,487	\$ 6,653,019
Judicial Administration	4,023,834	4,325,410
Public Safety	30,126,274	31,569,941
Public Works	3,527,272	2,741,657
Human Services	2,004,295	2,110,390
Parks, Recreation & Cultural	2,407,827	2,552,573
Community Development	3,073,159	2,460,400
Contributions	518,394	594,513
Contingency	500,000	304,557
Other Expenses	85,000	80,000
Transfers to Other Funds	66,275,904	66,990,301
Debt Service – County	2,220,801	2,186,118
Debt Service – Schools	9,148,965	8,010,960
<b>TOTAL GENERAL FUND</b>	<b><u>\$ 130,403,212</u></b>	<b><u>\$ 130,579,839</u></b>
Capital Projects Fund	\$ 20,432,742	\$ 550,000
School Capital Projects Fund	6,086,624	19,363,000
School Fund	131,434,538	137,268,400
School Cafeteria Fund	5,396,946	5,460,535
School Textbook Fund	0	0
Massanutten Technical Center Fund	5,536,364	5,913,027
Asset Forfeiture Fund	115,900	115,900
H'burg Rockingham Soc Services District	17,875,569	18,029,644
H'burg Rockingham Children's Services Act	9,235,150	9,287,883
Central Stores Fund	45,000	45,000
Self-Funded Health Insurance Plan Fund	27,810,885	29,956,000
Water & Sewer Utilities Fund	13,069,609	14,054,087
Lilly Subdivision Sanitary District	53,958	53,740
Smith Creek Water & Wastewater Auth	414,999	414,943
Countryside Sanitary District	19,145	19,042
Penn Laird Sewer Authority	29,031	29,024
Solid Waste Fund	9,601,261	4,682,958
Laird L Conrad Law Library Fund	50,585	50,585
Economic Development Authority	0	7,500
Human Resources Rental Fund	232,774	232,774
Emergency Medical Services Transp Fund	1,312,926	1,460,000
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 379,157,218</u></b>	<b><u>\$ 377,573,881</u></b>

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On motion by Supervisory Kyger, 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 water and sewer rate changes effective July 1, 2017, as reflected in the following ordinance amendment:

**ORDINANCE  
REPEALING AND RE-ENACTING  
SECTION 2-33  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

**That Section 2 – 33, Utilities fees and levies, be and hereby is repealed and re-enacted as follows:**

**Section 2 – 33. Utilities fees and levies.**

The fees for water and sewer service shall be as follows:

**MONTHLY SERVICE FEES:**

<i>Water</i>	<i>Rate</i>
Base Rate (Up to 3.5kgal)	\$12.50
3,500-5,000 gallons	\$ 3.80
Over 5,000 gallons	\$ 3.80
<i>Sewer</i>	<i>Rate</i>
Minimum to 999 gallons	\$ 6.00
Over 1,000 gallons	\$ 5.15

The Connection and hook-up fees table remains as before.

This ordinance shall be effective from the 1st day of July 2017.

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Chairman Chandler thanked Administrator King, Mrs. Davidson and others who helped prepare the budget for their hard work.

At 6:25 p.m., the telephone call was disconnected and Supervisor Breeden was no longer participating in the meeting.

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**COUNTY ADMINISTRATOR’S STAFF REPORT.**

The Board received and reviewed Administrator King’s staff report dated April 21, 2017.

Administrator King brought attention to an item in his report regarding the Polly Scott property, approximately 70 acres of wooded land along Kratzer Road that the Polly Scott Revocable Trust would like to gift to the County for a park. If the gift is accepted, the plan is for the property to be used for hiking, jogging, or mountain bike trails.

Mr. Miller highlighted three stipulations requested by the Trust, and included in a draft Memorandum of Understanding that was provided to the Board:

- Within thirty-six months, the County will install fencing, gates or other appropriate features to enhance the safety and security of the property.
- By 2025, the County will construct a small parking area.
- If the County discontinues use of the property for recreational purposes shorter than 75 years from the date of the deed, the County will pay the Polly and Fred Scott Legacy Endowment the fair market value for the land at that time.

Mr. Miller indicated the expenditure for the fencing and gate will be minimal. There is no specification regarding the type, size or cost of the parking area. He noted that paying the fair market value if the County uses the land for other purposes within 75 years is fair.

Administrator King suggested the Board consider the Memorandum of Understanding and provide feedback within a couple of weeks.

Supervisor Cuevas reminded the Board that the County currently owns a 65-acre recreational park with a price tag of over \$20 million and Blue Hole, which the County has considered disposing of for quite a few years. He noted there is risk, liabilities, maintenance

and nuisances with free properties. Considering the budget, tax increases and other issues facing the County, Supervisor Cuevas indicated he is not in favor of accepting the Polly Scott property.

Chairman Chandler agreed there is a lot to consider. He noted Supervisor Cuevas' point was well taken so due diligence should be exercised regarding the Polly Scott property.

Supervisor Cuevas requested that Administrator King and Mr. Miller notify the property owners immediately, if it is determined that the Board does not wish to accept the gift, so the Scott family can pursue other plans.

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**FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson's staff report dated April 26, 2017. She requested action on two items:

After interviewing the firms that responded to the auditing services Request for Proposal (RFP), staff recommended entering a five-year contract with PBMares, LLP, with a three percent increase and a total audit fee of \$142,000 the first year.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board authorized staff to enter a five-year contract with PBMares, LLP, with a three percent increase and a total audit fee of \$142,000 the first year.

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Mrs. Davidson said staff would like the Board to consider bypassing the Invitation to Bid (ITB) or low bid process for the heating, ventilation and air conditioning (HVAC) update at the jail, and move forward with a Request for Proposals (RFP) since the qualified evaluations criteria is appropriate and cannot be used with an ITB.

Supervisor Kyger made a motion, seconded by Supervisor Eberly, to bypass the Invitation to Bid process for the heating, ventilation and air conditioning (HVAC) update at the jail and move forward with a Request for Proposals.

Supervisor Cuevas questioned if there was money in the budget for the HVAC update. Administrator King indicated the request is for ongoing operation and maintenance of the system. The County entered a one-year contract previously and prefers to prepare a Request for Proposals rather than solely consider the cost.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved bypassing the heating, ventilation and air conditioning (HVAC) Invitation to Bid process and moving forward with a Request for Proposals for the HVAC update at the jail.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Armstrong's staff report dated April 26, 2017.

On April 12, 2017, Ms. Cooper provided Board members the "Annual Work Plan: 2017" for the Rockingham Bicycle Advisory Committee (RBAC), for their review and consideration.

Ms. Cooper asked the Board for their support of the "Annual Work Plan: 2017" for the RBAC to have direction on how to proceed over the next year. She noted the plan strictly keeps the RBAC in an advisory role; they are not taking actions outside of the purview granted



by the Board. The RBAC will review the six-year plan and MPO Bicycle and Pedestrian Plan, and ensure ongoing coordination between the RBAC, MPO bicycle plan and City bicycle plan, and work with law enforcement to identify public safety areas.

Supervisor Cuevas questioned whether the “Annual Work Plan: 2017” for the RBAC should be discussed in conjunction with the six-year plan so VDOT keeps it in mind for funding and includes shoulders for bicycle paths when road improvements occur.

Ms. Cooper said VDOT will provide the RBAC with an annual maintenance plan for repaving and restriping. VDOT is looking at each project and adding inches, if that is all that is available, whenever possible to allow for more bike and pedestrian movement.

Administrator King indicated he will attend the Six-Year Improvement Program meeting on April 27, 2017, and will inform VDOT of the “Annual Work Plan: 2017” for the Rockingham Bicycle Advisory Committee.

Supervisor Eberly noted that the RBAC consists of a dedicated group of people. Supervisor Kyger interjected that the group is also patient, insightful and practical.

On motion by Supervisor Kyger, seconded by Supervisor Eberly, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board adopted the Rockingham Bicycle Advisory Committee’s “Annual Work Plan: 2017”.

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**COMMITTEE REPORTS.**

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

**BUILDINGS AND GROUNDS**

Mr. Hertzler reported that the following firms submitted concise, detailed engineering design proposals for the Rockingham County Regional Jail heating, ventilation and air conditioning (HVAC) system, and were selected in the engineering Request for Proposals process:

Valley Engineering	\$298,070
Master Engineers & Designers	\$308,100

Staff met with these firms and reviewed the proposals.

The Buildings and Grounds Committee met and recommended selecting Valley Engineering to perform the design work.

In response to a question from Supervisor Cuevas, Administrator King confirmed that the budget includes engineering design work to define the scope of the project for the jail HVAC system. Mr. Hertzler confirmed for Supervisor Cuevas that previous in-house estimates did not include engineering work.

Administrator King indicated Dick Downin, a retired Riddleberger Brothers, Inc. employee, was hired as a part-time consultant for the County. Mr. Downin has been involved in interviews to provide additional expertise and will be involved in the implementation. Administrator King noted the Rockingham County Regional Jail HVAC project is complicated because there is limited access to the HVAC systems.

On behalf of the Building and Grounds Committee, on motion by Supervisor Eberly, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the Valley Engineering proposal for the Rockingham County Regional Jail heating, ventilation and air conditioning system, in the amount of \$298,070.

CHAMBER OF COMMERCE

Supervisor Eberly indicated the Chamber meets April 27, 2017.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Kyger reported the CCJB held a short meeting on April 24, 2017, and received reports. The CCJB continues to move forward with various studies and recommendations. Once the data system is selected and operational, inmate information will be collected and stored in a more usable manner.

In response to a question from Supervisor Cuevas, Supervisor Kyger indicated discussions continue regarding a drug court, and grant applications have been submitted. Judge Albertson and Commonwealth's Attorney Garst have been working diligently to institute a drug court and believe it will be beneficial. Supervisor Kyger noted money was included in the budget for the first phase of a drug court, which should save the County money in the future.

FINANCE

On behalf of Chairman Chandler and the Finance Committee, Supervisor Kyger made a motion, seconded by Supervisor Eberly to approve a supplemental appropriation for the D6 Dozer.

Administrator King noted that the FY18 budget will be reduced by that equivalent amount.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the following FY 2016-2017 supplemental appropriation:

**Landfill**

A supplemental appropriation for \$315,842 for the purchase of a D6 Dozer. The dozer was to be purchased in FY18 but due to the condition of the current equipment and the availability of the dozer, staff recommended purchasing it in the FY17 budget with funds from the Landfill Fund Reserve.

Supplemental Appropriation: \$315,842

\$ 315,842 GL Code: 1410-00000-15201-000-352000-000 Fund Reserve

\$ 315,842 GL Code: 1410-04204-00000-000-508001-000 Machinery and Equipment

MASSANUTTEN REGIONAL LIBRARY

Chairman Chandler indicated the Library finance committee is discussing contributions.

PUBLIC WORKS

Public Works staff asked the Public Works Committee to consider discontinuing the practice of waiving tipping fees from various non-profit organizations and other entities. The amount of tipping fees waived in 2016 was \$131,100. Supervisor Cuevas indicated the Public Works Committee should meet when Supervisor Breedon is able to participate, and provide a recommendation to the Board.

OTHER

Supervisor Cuevas asked Administrator King to talk with Ellen Harrison, Executive Director of the Harrisonburg-Rockingham Community Services Board, about the meeting time

for the Community Services Board. He noted that a 7:00 a.m. meeting disqualifies many knowledgeable people who work.

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**INTRODUCTION OF STUDENTS.**

Numerous students from various high schools attended the meeting.

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**COMMITTEE APPOINTMENTS.**

On motion by Supervisor Kyger, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board appointed Matthew Sunderlin to the Blue Ridge Community College Board for a term to expire June 30, 2021.

On motion by Supervisor Eberly, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board nominated Brisco Dellinger (District 1), George R. Heatwole, II (District 2), Jon Ritenour (District 3), Dennis Cupp (District 4) and Pete Bonavita (District 5) for appointment by the Circuit Court to the Board of Equalization beginning January 1, 2018 for the general reassessment of real estate currently underway in the County.

On motion by Supervisor Eberly, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board appointed Supervisor Kyger to the Central Shenandoah Planning District Commission for a term to end June 30, 2020.

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**RECESS.**

At 6:58 p.m., Chairman Chandler recessed the meeting until the public hearing scheduled at 7:00 p.m.

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**PUBLIC HEARING – REZONING REQUEST.**

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

REZ16-349 Valley Commonwealth Properties, LLC, 1885 Port Republic Road, Rockingham, VA, 22801, to rezone TM# 125G-(6)- L17 and 125-(A)-L130, located east of Port Republic Road (Route 253) and south of Misty Court, totaling 3.439 acres, from Residential (R2) and Residential (R3) to General Business with Conditions (B1-C). The Comprehensive Plan designates this area as Community Residential. Located in Election District 3.

The Planning Commission recommended approval, stating:

*Whereas the applicant has addressed the concerns regarding potential incongruity of uses with the existing residential development, and whereas this Comprehensive Plan identifies this area for Community Residential development, and whereas this property is along a primary roadway, the Planning Commission recommends approval.*

Nancy Sedwick, representing Valley Commonwealth Properties, LLC, was available to answer questions.

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

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At 7:13 p.m., Chairman Chandler closed the public hearing.

Chairman Chandler stated the Valley Commonwealth Properties, LLC rezoning request is in his district, and he visited the property. He expressed appreciation to staff and the applicant for working together to develop restrictive proffers that are agreeable to both parties. Chairman Chandler asked that one of his fellow Board members recommend approval on his behalf.

On behalf of Chairman Chandler, Supervisor Kyger made a motion, seconded by Supervisor Eberly, to approve REZ16-349, Valley Commonwealth Properties, LLC, 1885 Port Republic Road, Rockingham, VA, 22801, to rezone TM# 125G-(6)- L17 and 125-(A)- L130, located east of Port Republic Road (Route 253) and south of Misty Court, totaling 3.439 acres, from Residential (R2) and Residential (R3) to General Business with Conditions (B1-C). The Comprehensive Plan designates this area as Community Residential. Located in Election District 3.

Supervisor Cuevas asked for confirmation regarding the location of the medical center. Ms. Stultz responded that the proposed property is across from the Stone Port Retail Center on Port Republic Road, and backs up to Misty Meadows Subdivision.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; and subject to the attached proffers, the Board approved REZ16-349, Valley Commonwealth Properties, LLC, 1885 Port Republic Road, Rockingham, VA, 22801, to rezone TM# 125G-(6)- L17 and 125-(A)- L130, located east of Port Republic Road (Route 253) and south of Misty Court, totaling 3.439 acres, from Residential (R2) and Residential (R3) to General Business with Conditions (B1-C). The Comprehensive Plan designates this area as Community Residential. Located in Election District 3.

(Note: A copy of the proffers is attached to and made a part of these minutes.)

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**PUBLIC HEARING - ORDINANCE AMENDMENT AND AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE AMENDMENTS.**

At 7:15 p.m., Chairman Chandler opened the public hearing and Ms. Stultz reviewed the following ordinance amendment:

OA17-052, Amendment to Rockingham County Code, Chapter 17 (Zoning), Section 17-703.04 to exempt the Urban Development Area (UDA) from Buffer area requirements.

Ms. Stultz noted this additional sub-section indicates when two lots are within an UDA, they are not required to meet the buffer area but if one property adjoins a property outside the UDA area, it would need to be buffered.

No one spoke regarding the proposed ordinance amendment.

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At 7:16 p.m., Ms. Cooper reviewed the following proposed agricultural and forestal district amendments:

AFP17-040 Bryant and Donna Harper, 5975 Artillery Road, Port Republic, VA 24471, to amend Section 17-502.02. Cross Keys Agricultural and Forestal District Description, to add a 1.25 acre portion of TM# 139-(A)- L150A1, located .75 mile east of the intersection of Artillery Road (Route 848) and Williams Run Road (Route 671) and .75 mile west of the intersection of Artillery Road (Route 848) and Port Republic Road (Route 253), to the Cross Keys Agricultural and Forestal District. If added to the district, this acreage will be transferred to TM# 139-(A)- L152. The Comprehensive Plan identifies the area for Agricultural Reserve. The property is in Election District 3.

Ms. Cooper indicated this is the addition of a property to the Cross Keys AFD. The Harpers want to make an adjacent transfer to a property that is already in the AFD. The amendment is required for that to occur.

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AFP17-048 James and Susan Rohrer, 1040 Weavers Road, Rockingham, VA 22802, to amend Section 17-510.02. Western Rockingham Agricultural and Forestal District Description to add TM# 92-(A)- L173, 72- acre parcel located 800 feet west of the intersection of Weavers Road (Route 726) and Eversole Road (Route 766) and 1600 feet east of the intersection of Weavers Road (Route 726) and Cooks Creek Road (Route 701), to the Western Rockingham Agricultural and Forestal District. The Comprehensive Plan identifies this area as Agricultural Reserve. The property is in Election District 2.

Ms. Cooper noted the Rohrers currently have a property in the Western Rockingham AFD and want to add an additional piece to their property. In order to make that adjacent transfer all of the property in its entirety must be in the AFD.

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AFP17-049 Rockingham County to renew and readopt for a seven-year term the Oak Grove Agricultural and Forestal District comprised of 62 parcels totaling 1373.544 acres located east of Route 42, west of US 11 generally centered near the intersection of West Mosby Road and Pike Church Road. Oak Grove Agricultural and Forestal District is located in Election Districts 2 and 4.

Ms. Cooper explained the Oak Grove AFD has expired and staff is requesting it be renewed. Additionally, Dominion Virginia Power would like to remove a couple small parcels from the AFD, and five parcels totaling a couple hundred acres are being added to the AFD for a net increase of 170 acres. The total acreage in this AFD will be 1,373 acres. It is requested that the term remain at seven years and the conditions remain the same.

Supervisor Cuevas requested clarification on the transactions transpiring in each AFD.

Ms. Cooper noted property is being added to the Cross Keys and Western Rockingham Agricultural and Forestal Districts. Bryant and Donna Harper want to add property to the Cross Keys AFD and make a division of land. In order to divide the property, the entire tract must be within the district.

James and Susan Rohrer, in the Western Rockingham AFD, also want to make an adjacent transfer. They want to add a portion of an adjacent parcel to their farm, which is already in the Western Rockingham AFD. In order to add that land to their parcel, all the property encompassing the farm needs to be in the Western Rockingham AFD.

The way the districts are established, all of them require that a parcel be wholly and entirely within the AFD. For example, a parcel of land cannot be split with ten acres in the AFD and ten acres outside the AFD.

Ms. Cooper noted there are currently many parcels in each AFD, but one family wants to add land in each AFD.

In response to questions from Supervisor Cuevas, Ms. Cooper explained that the terms of the districts can range from four to ten years, but all the terms of the AFDs in the County are ten years, with the exception of the Oak Grove AFD, which has a seven-year term. Property owners may withdraw their property by showing due and reasonable cause.

Marguerite Allen, a property owner in the Oak Grove AFD, expressed appreciation for the establishment of the agricultural and forestal districts in the County because they are a testament to the preservation of the agricultural character of the County. Ms. Allen asked that the Board approve the renewal of the Oak Grove AFD.

No opposition was expressed regarding the ordinance amendments.

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At 7:22 p.m., Chairman Chandler called the regular meeting back to order to vote on the four ordinances together.

Mr. Miller stated that, if a Board member wants to vote differently on any of the ordinances, they need to be voted on individually. If the Board members wish to vote the same way on all four ordinances, they can be adopted or denied together. He added that the ordinance amendments require a roll call vote.

Chairman Chandler asked if there was a concern with any of the ordinances, which would require them to be addressed individually. All members agreed to vote on the four ordinances together.

On motion by Supervisor Eberly, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the following ordinance amendments:

**ORDINANCE ENACTING  
SECTION 17-703.04 (e)  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17 – 703.04 (e) Buffer areas be enacted as follows:

Section 17-703.04 (e) Buffer areas

(e) All properties within the Urban Development Area (UDA), as set forth in the Rockingham County Comprehensive Plan, are exempt from buffer area requirements. For any properties on the boundary of the UDA, the compatibility of the zoning district of a developing property within the UDA and the adjacent zoning district(s) outside the UDA shall be in accordance with table 17-703.04, Buffer areas.

This ordinance shall be effective from the 26th day of April 2017.

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**ORDINANCE REPEALING AND RE-ENACTING  
SECTION 17-502.02.  
OF THE CODE OF ORDINANCES  
OF ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-502.02. Description of the Cross Keys Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

**17-502.02. Description.**

The Cross Keys Agricultural and Forestal district is comprised of seventy-seven (77) parcels spanning two thousand, sixty (2,060) acres centered at the intersection of Cross Keys Road (Route 276) and Pleasant Valley Road (Route 679). The northern boundary of the district abuts the Magnolia Ridge Subdivision; the southern boundary extends approximately one thousand (1,000) feet south of Shady Grove Road (Route 670). The western boundary extends approximately three thousand five hundred (3,500) feet west of the intersection of Cross Keys Road (Route 276) and East Timber Ridge Road (Route 668); the eastern boundary extends approximately two thousand five hundred (2,500) feet east of the intersection of Port Republic Road (Route 253) and Latimer Road (Route 672). The following parcels shown on county real estate maps, as of the effective date of the district, are numbered as:

126-(A)- L55, 139-(1)- L1, 139-(1)- L1A, 139-(3)- L8, 139-(3)- L9, 139-(A)- L46, 139-(A)- L47C, 139-(A)- L52A, 139-(A)- L52B, 139-(A)- L52C, 139-(A)- L52D, 139-(A)- L53, 139-(A)- L55A, 139-(A)- L55A1, 139-(A)- L57, 139-(A)- L57A, 139-(A)- L57C, 139-(A)- L57D, 139-(A)- L67, 139-(A)- L69, 139-(A)- L74B, 139-(A)- L114, 139-(A)- L118, 139-(A)- L119, 139-(A)- L120B1, 139-(A)- L120B2, 139-(A)- L120B2A, 139-(A)- L135, 139-(A)- L146, 139-(A)- L147, 139-(A)- L148B, 139-(A)- L148F, 139-(A)- L149A, 139-(A)- L149B, 139-(A)- L150A, 139-(A)- L150A1, 139-(A)- L155, 139-(A)- L158, 139-(A)- L158A, 139-(A)- L160C, 139-(A)- L163, 139-(A)- L163B, 139-(A)- L168, 139-(A)- L168A, 139-(A)- L172, 139A-(2)- LC, 140-(A)- L3, 140-(A)- L4, 140-(A)- L59, 140-(A)- L59A, 140-(A)- L62, 140-(A)- L63, 151-(5)- L1A, 151-(A)- L5, 151-(A)- L7, 151-(A)- L8, 151-(A)- L9C, 151-(A)- L75, 151-(A)- L80, 151-(A)- L81, 151-(A)- L82, 151-(A)- L82A, 151-(A)- L82A1, 151-(A)- L93, 151-(A)- L94, 152-(7)- L4, 152-(A)- L1, 152-(A)- L3, 152-(A)- L4, 152-(A)- L6, 152-(A)- L7, 152-(A)- L8, 152-(A)- L9, 152-(A)- L56, 152-(A)- L58, 152-(A)- L58E, and 152-(A)- L61B.

This ordinance shall be effective from the 26th day of April 2017.

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**ORDINANCE REPEALING AND RE-ENACTING  
SECTION 17-510.02.  
OF THE CODE OF ORDINANCES  
OF ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-510.02. Description of the Western Rockingham Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

**17-502.02. Description.**

The Western Rockingham Agricultural and Forestal District shall consist of the following land: one hundred fifty-three (153) parcels spanning six thousand ninety-seven (6,097) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. In the north, the district extends to Greenmount Road and north of Chrisman Road. In the east, the district extends to Fort Lynne Road. In the west, the district extends to

Whitmore Shop Road. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

61-(2)- L3, 61-(A)- L34, 61-(A)- L56, 76-(2)- L1, 76-(2)- L2, 76-(3)- L9, 76-(A)- L37, 76-(A)- L38A, 76-(A)- L39, 76-(A)- L39A, 76-(A)- L40, 76-(A)- L40A, 76-(A)- L41, 76-(A)- L41B, 76-(A)- L42, 76-(A)- L43, 76-(A)- L45, 76-(A)- L45A, 76-(A)- L47A, 76-(A)- L54, 76-(A)- L57, 76-(A)- L57B, 76-(A)- L57D, 77-(4)- L1, 77-(A)- L1, 77-(A)- L3, 77-(A)- L3A1, 77-(A)- L4A, 77-(A)- L5B, 77-(A)- L5B1, 77-(A)- L13A, 77-(A)- L21, 77-(A)- L21C, 77-(A)- L23B, 77-(A)- L23B3, 77-(A)- L28, 77-(A)- L29, 77-(A)- L36, 77-(A)- L55, 77-(A)- L101, 77-(A)- L101B, 77-(A)- L101B1, 77-(A)- L119, 77-(A)- L119C, 77-(A)- L128, 77-(A)- L129, 77-(A)- L131A, 77-(A)- L132, 78-(A)- L27, 90-(A)- L67, 91-(A)- L4, 91-(A)- L13, 91-(A)- L17, 91-(A)- L18, 91-(A)- L19, 91-(A)- L29, 91-(A)- L39, 91-(A)- L40, 91-(A)- L42, 91-(A)- L47, 91-(A)- L47A, 91-(A)- L48, 91-(A)- L48A, 91-(A)- L48A1, 91-(A)- L49A, 91-(A)- L61, 91-(A)- L121A, 91-(A)- L129, 91-(A)- L131, 91-(A)- L131A, 91-(A)- L132, 91-(A)- L132B, 91-(A)- L134, 91-(A)- L135, 91-(A)- L139, 91-(A)- L139A, 91-(A)- L154A, 91-(A)- L158, 91-(A)- L178, 91-(A)- L179, 91-(A)- L184B, 91-(A)- L194, 91-(A)- L194A, 91-(A)- L210, 91-(A)- L211, 91-(A)- L212, 92-(2)- L1, 92-(2)- L2, 92-(2)- L4, 92-(6)- L2, 92-(9)- L3, 92-(9)- L4A1, 92-(9)- L4B, 92-(A)- L4, 92-(A)- L34, 92-(A)- L43, 92-(A)- L47, 92-(A)- L55, 92-(A)- L63, 92-(A)- L64, 92-(A)- L70, 92-(A)- L75A, 92-(A)- L82, 92-(A)- L84, 92-(A)- L85, 92-(A)- L91, 92-(A)- L103, 92-(A)- L112, 92-(A)- L112A, 92-(A)- L113, 92-(A)- L114, 92-(A)- L115, 92-(A)- L116, 92-(A)- L117, 92-(A)- L118, 92-(A)- L119, 92-(A)- L124, 92-(A)- L125, 92-(A)- L142, 92-(A)- L144A, 92-(A)- L144A2, 92-(A)- L148, 92-(A)- L149, 92-(A)- L154, 92-(A)- L154A, 92-(A)- L165, 92-(A)- L170, 92-(A)- L171, 92-(A)- L174, 92-(A)- L179, 93-(A)- L1, 93-(A)- L2, 93-(A)- L2B, 93-(A)- L3, 93-(A)- L4, 93-(A)- L4B, 93-(A)- L10, 93-(A)- L11A5, 93-(A)- L17, 93-(A)- L17B, 93-(A)- L23, 93-(A)- L45, 93A-(4)- L9, 93A-(5)- L6, 93A-(5)- L7, 93A-(5)- L9, 93A-(5)- L10, 93A-(5)- L11, 93A-(6)- L5, 107-(A)- L51A, 107-(A)- L52, and 108-(A)- L20.

This ordinance shall be effective from the 26th day of April 2017.

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**ORDINANCE REPEALING AND RE-ENACTING  
SUB-SECTIONS 17-507.02 AND 17-507.04  
OF THE CODE OF ORDINANCES  
OF ROCKINGHAM COUNTY, VIRGINIA**

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

That sub-section 17-507.02, Description, be and hereby is repealed and re-enacted as follows:

**17-507.02. Description.**

The Oak Grove Agricultural and Forestal district shall consist of the following land: sixty-two (62) parcels totaling one thousand, three hundred seventy-three (1,373) acres, centered at the intersection of West Mosby Road (Rt. 701) and Pike Church Road (Rt. 712). The western boundary of the district abuts the Town of Dayton; the southern boundary of the district abuts the Town of Bridgewater; the western edge of the district lies approximately 1600 feet from the City of Harrisonburg; and the northern edge of the district lies approximately 0.5 mile from the City of Harrisonburg, numbered as:

107-(A)- L235B, 107-(A)- L242B, 108-(A)- L200, 123-(3)- L1, 123-(3)- L1C1, 123-(4)- L1, 123-(4)- L2, 123-(4)- L3, 123-(A)- L27, 123-(A)- L28, 123-(A)- L28B, 123-(A)- L34, 123-(A)- L36, 123-(A)- L37, 123-(A)- L40, 123-(A)- L41, 123-(A)- L42, 123-(A)- L43, 123-(A)- L44, 123-(A)- L46, 123-(A)- L46F, 123-(A)- L47B, 123-(A)- L48, 123-(A)- L48A, 123-(A)- L49, 123-(A)- L49A, 123-(A)- L50, 123-(A)- L58, 123-(A)- L59, 123-(A)- L59A, 123-(A)- L88, 123-(A)- L88A, 123-(A)- L89, 123-(A)- L90, 123-(A)- L91, 123-(A)- L92, 123-(A)- L93, 123-(A)- L93A, 123-(A)- L94, 123-(A)- L96, 123-(A)- L104, 123-(A)- L105, 123-(A)- L106, 123-(A)- L107, 123-(A)- L107A, 123-(A)- L107C, 123-(A)- L109, 123-(A)- L119, 123-(A)- L120, 123-(A)- L121, 123-(A)- L122, 123-(A)- L123, 123-(A)- L124, 123-(A)- L125, 123-



(A)- L126, 123-(A)- L127, 123A-(1)- L1, 123A-(2)- L2, 123A-(2)- L2A, 123A-(2)- L4, 123A-(2)- L5, and 123A-(2)- L7.

That sub-section 17-507.04, Term Review, be and hereby is repealed and re-enacted as follows:

**17-507.04. Term Review.**

The district shall be in effect for seven (7) years, from April 26, 2017, to April 26, 2024. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

All other sub-sections of Section 17-507 remain as before.

This ordinance shall be effective from the 26th day of April 2017.

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**ADJOURNMENT.**

Chairman Chandler declared the meeting adjourned at 7:24 p.m.

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Chairman