

May 10, 2017

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 10, 2017, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

Also present:

BRYAN F. HUTCHESON, Sheriff

STEPHEN G. KING, County Administrator
THOMAS H. MILLER, JR., County Attorney
GEORGE K. ANAS, II, Assistant County Administrator
CASEY B. ARMSTRONG, Director of Community Development
ANN MARIE FREEMAN, Director of Court Services
BARRY E. HERTZLER, Director of Public Works
JEREMY C. HOLLOWAY, Fire & Rescue Chief
KATHARINE S. McQUAIN, Director of Parks and Recreation
JENNIFER J. MONGOLD, Director of Human Resources
CELEST D. WILLIAMS, Director of Social Services
MICHAEL L. BOWEN, Deputy Director of Technology
RHONDA H. COOPER, Director of Planning
KELLY S. GETZ, Code Compliance Officer
ANGELA R. HERNANDEZ, Senior Accountant
DIANA C. STULTZ, Zoning Administrator
JESSICA G. KILBY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
JOSHUA W. DUNLAP, Assistant Residency Administrator
Virginia Department of Transportation
C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Chandler called the meeting to order at 3:02 p.m. Administrator King gave the Invocation and Community Development Director Armstrong 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 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of April 26, 2017.

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TRANSPORTATION DEPARTMENT.

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

He reported that Administrator King represented the County well with his remarks at the Six-Year Improvement Program public hearing on April 27, 2017, at Blue Ridge Community College.

Further, he reported that a public hearing for secondary roads will be held during the June 14, 2017, Board meeting. He plans to have proposals ready to review with Administrator King in the next week.

Supervisor Kyger requested a traffic count and speed study on the County's portion of Tilghman Road (Route 902). He suggested gathering data over a period of one week to capture both residential and recreational traffic data.

In response to a question from Supervisor Eberly, Mr. Komara indicated the width and traffic count of a road are the criteria used when determining centerline striping. Typically, the width must be 17-18 foot wide, with a traffic count of 750 or more per day. Applying a centerline to a road less than 17-foot wide pushes traffic to the edges of the road, explained Mr. Komara. Supervisor Eberly requested centerline striping on Fort Lynne Road (Route 910) and a portion of Greenmount Road (Route 772).

Chairman Chandler suggested expanding the 45 mile per hour speed limit zone on South East Side Highway (Route 340), north of the Grottoes town limits, near a new business and subdivision. Additionally, he requested expanding the 45 mile per hour speed limit zone on Cross Keys Road (Route 276) just south of Port Republic Road (Route 253) near the White Oak Lavender Farm.

Supervisor Breeden referred to Chief Holloway, who requested a yellow flashing left turn arrow at the traffic light at the McGahyesville Fire Department on Spotswood Trail (Route 33) in the east bound lane. Chief Holloway indicated a flashing left turn signal will keep traffic flowing for volunteers and staff entering the fire department.

Administrator King mentioned that he and Mr. Komara attended a Bergton Ruritan meeting with Supervisor Cuevas recently. Administrator King stated that it is evident that VDOT staff are well respected in the community. He expressed appreciation to Mr. Komara and his team for the way they interact with citizens and for being good ambassadors for the County.

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COUNTY ADMINISTRATOR'S STAFF REPORT .

The Board received and reviewed Administrator King's staff report dated May 4, 2017.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Assistant Administrator Anas' staff report dated May 5, 2017.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated May 10, 2017. Senior Accountant, Angela Hernandez was available to answer questions on behalf of Finance Director Davidson, who was attending the Virginia Government Finance Officers Association Executive Board Conference.

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated March 10, 2017.

Mrs. Mongold reported that County and school division staff reviewed Anthem’s renewal proposal for the plan year beginning October 1, 2017, with the County’s consultant. Staff recommended the Board adopt the new rates, authorize the addition of a fourth tier to the prescription drug plan, and offer a High Deductible Health Plan option for employees.

Supervisor Kyger pointed out that as a recipient of County insurance he consulted with County Attorney Miller regarding engaging in insurance discussions and decisions. Supervisor Kyger stated that he is able to participate in the transactions fairly, objectively, and in the public interest, and will vote on such matters.

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board:

- 1) Awarded the health insurance contract to Anthem for the plan year 2017-18, effective October 1, 2017, at the rates listed below;
- 2) Authorized the addition of a fourth tier to the prescription drug plan; and
- 3) Authorized offering a High Deductible Health Plan option

Anthem	Current Employee	Current County	Current Total	2017-18 Employee	2017-18 County	2017-18 Total
Employee Only	\$59	\$529	\$588	\$64	\$576	\$640
Employee + Spouse	\$306	\$968	\$1,274	\$350	\$996	\$1,346
Employee + 1 Child	\$248	\$787	\$1,035	\$276	\$786	\$1,062
Employee + Children	\$375	\$1,068	\$1,444	\$410	\$1,168	\$1,578
Employee + Family	\$442	\$1,257	\$1,698	\$470	\$1,338	\$1,808
HDHP	Current Employee	Current County	Current Total	2017-18 Employee	2017-18 County	2017-18 Total
Employee Only				\$32	\$480	\$512
Employee + Spouse				\$175	\$902	\$1,077
Employee + 1 Child				\$138	\$711	\$849
Employee + Children				\$205	\$1,057	\$1,262
Employee + Family				\$235	\$1,211	\$1,446
*HSA					\$750 for employee	\$750 for employee

					only; \$1,500 for employee plus dependent options	only; \$1,500 for employee plus dependent options
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Dental insurance premiums will not change due to a rate guarantee when the County changed providers to MetLife last year.

Mrs. Mongold referred to two items in her staff report concerning health insurance benefits for County employees hired prior to 1996 and for County employees married to other County employees. She indicated there has been much discussion regarding both items and requested the Board’s direction moving forward.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, effective immediately, terminated the current policy for new hires and employees married after May 10, 2017, that allows for no premium contribution from households in which both spouses are employed by an employer that participates in the County administered health insurance plan.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board instructed staff to review and evaluate the dual married and the pre-1996 hire rates and make a timely recommendation to the Board.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Hertzler’s staff report dated May 10, 2017.

Mr. Hertzler pointed out that the new landfill entrance has been open since May 1, 2017, and encouraged feedback.

Supervisor Kyger mentioned he received comments related to the wall height being too tall at the household waste disposal container. Mr. Hertzler indicated state code requires the wall height to be 6’ 3”. Administrator King pointed out that landfill staff are available to assist residents disposing of waste.

Supervisor Breeden stated that one of his company employees said the new entrance is much easier and user friendly.

Administrator King noted that the brush pile is farther from the main entrance, but foresees its location being closer to the entrance once the new cell expansion is complete.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated May 10, 2017.

Mr. Armstrong reported that staff will open bids at 2 p.m. on Friday, May 12, 2017, for the Reservoir Street widening project. Additionally, he mentioned that a bid advertisement regarding the Route 33 east turn lane/road widening project will be published in the *Daily News Record* on Friday, May 12, 2017.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated March 2017. In Mrs. Perry's absence, Deputy Director Bowen was available for questions.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated May 2017.

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PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. McQuain's staff report dated May 2017.

Mrs. McQuain reported that an appointment is needed to the Recreation Foundation Board to fill the unexpired term of Supervisor Cuevas.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board appointed Supervisor Eberly to fill an unexpired term on the Rockingham Recreation Foundation, Inc. Board of Directors for a term to expire December 31, 2017.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated May 10, 2017.

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COMMITTEE REPORTS.

PUBLIC WORKS

Supervisor Cuevas reported that the Public Works Committee discussed the current practice of free waste disposal at the landfill for civic organizations, churches and other nonprofit groups. The Committee directed Public Works Director Hertzler and Administrator King to provide a list of those groups receiving free disposal. Supervisor Cuevas explained that the free service affects operational costs at the landfill. In turn, increased operational costs affect the tipping fees charged to commercial haulers, he said.

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COMMITTEE APPOINTMENTS.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board recommended Charles E. Dean (District 5) for appointment by the Circuit Court to the Board of Zoning Appeals for a term to expire June 30, 2022.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board recessed the meeting from 3:47 p.m. to 4:15 p.m., for a closed meeting pursuant to 2.2-3711. A (3), Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR KYGER RESOLUTION NO: 17-06
SECOND: SUPERVISOR EBERLY MEETING DATE: MAY 10, 2017

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:
AYES: BREEDEN, CHANDLER, CUEVAS, EBERLY, KYGER
NAYS: NONE
ABSENT: NONE

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RECESS.

At 4:15 p.m., Chairman Chandler recessed the meeting for dinner.

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PUBLIC HEARING - SPECIAL-USE PERMITS.

At 6:00 p.m., Chairman Chandler opened the public hearing and Ms. Stultz reviewed the following requests:

SUP17-039 Brian L. Fink, 9810 Spotswood Trail, McGaheysville, 22840 for a waiver for the accessory dwelling to increase from 740 sq. ft. to 960 sq. ft. and for the new dwelling to become the primary dwelling on property located on the east side of S. Montevideo Circle (Route 654) approximately 1500' south of Spotswood Trail (Route 33), Election District #5, zoned A-2. Tax Map #141-(1)-2B. Property address: 293 South Montevideo Circle.

Mr. Fink explained that he is the primary caregiver for his elderly grandmother who currently resides on the property. His request to live on the same property is so he can continue to care for her full-time, without taking time away from his own family.

No one spoke in opposition to the request.

SUP17-053 William J. Horst, 2665 W. Dry River Road, Dayton 22821 for an addition to machinery and equipment center on property located on the east side of W. Dry River Road (Route 738) approximately 1/2 mile north of Shoreshill Road (Route 739), Election District #4, zoned A-1, AF-4. Tax Map #105-(A)-149. Property address: 2667 W. Dry River Road.

Mr. Horst was available to answer questions.

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

SUP17-057 Karen Rinald Mast, 1968 Mountain Valley Road, Keezletown 22832 for pet dog and cat training (school): private lessons and small group classes for pets and their owners with occasional special events such as seminars or small shows on property located on the west side of Caverns Drive (Route 685) approximately .125 mile south of Mountain Valley Road (Route 620), Election District #3, zoned A-2. Tax Map #126-(A)-178. Property address: 3126 Caverns Drive.

Ms. Mast explained she currently provides in-home pet classes to her students and desires a location where students can come to her. She stated that she is aware of concerns regarding operating hours and indicated she is open to suggestions. Concerning the existing cistern, Ms. Mast indicated she plans to install a well at some point. She said the property has been un-kept since the passing of the owner and indicated it is her intent to cleanup the property and provide appropriate landscaping.

Bob Threewitts, a neighboring homeowner, voiced concern over traffic and operating hours. He pointed out that the property is located in a quiet, rural residential area. In response to Supervisor Kyger, Mr. Threewitts indicated 8:30 p.m. would be a reasonable ending class time in his opinion.

At 6:14 p.m., Chairman Chandler closed the public hearing.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, with the following conditions, approved SUP17-039 Brian L. Fink, 9810 Spotswood Trail,

McGaheysville, 22840 for a waiver for the accessory dwelling to increase from 740 sq. ft. to 960 sq. ft. and for the new dwelling to become the primary dwelling on property located on the east side of S. Montevideo Circle (Route 654) approximately 1500' south of Spotswood Trail (Route 33), Election District #5, zoned A-2. Tax Map #141-(1)-2B. Property address: 293 South Montevideo Circle.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. Applicant shall obtain a sewage disposal permit from the Health Department. A copy of said permit shall be submitted to Community Development prior to issuance of a building permit, and septic shall be installed prior to issuance of a certificate of occupancy.
4. Residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Kyger, seconded by Supervisor Eberly, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, with the following conditions, approved SUP17-053 William J. Horst, 2665 W. Dry River Road, Dayton 22821 for an addition to machinery and equipment center on property located on the east side of W. Dry River Road (Route 738) approximately 1/2 mile north of Shoreshill Road (Route 739), Election District #4, zoned A-1, AF-4. Tax Map #105-(A)-149. Property address: 2667 W. Dry River Road.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the addition shall not be placed in operation until such time as the site plan is approved.
4. If approved, applicant shall vacate property lines so this business will be on the same property as his farming operation since it is in an agricultural-forestral district.
5. Deed vacating the property line shall be approved by Community Development and recorded in the Clerk's Office prior to the final inspection of the building.
6. Applicant shall contact Health Department to determine if existing system can accommodate the addition or if expansion shall be required.
7. If expansion is required, a permit shall be obtained from the Health Department for the expansion. A copy of the permit shall be submitted to the Community Development Department prior to issuance of a building permit. Expansion, if required, shall be installed and approval received from the Health Department prior to final inspection.

8. The additions shall not be placed into operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

Supervisor Chandler identified the hours of operation, landscaping requests, and class size requirements, all of which were agreeable with the applicant and are listed as conditions of the pet training facility.

Mr. Threewitts suggested downward lighting for the parking area. Ms. Stultz indicated downward lighting is a requirement of the County Code.

On behalf of Supervisor Chandler, on motion by Supervisor Breeden, seconded by Supervisor Eberly, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board, with the following conditions, approved SUP17-057 Karen Rinald Mast, 1968 Mountain Valley Road, Keezletown 22832 for pet dog and cat training (school): private lessons and small group classes for pets and their owners with occasional special events such as seminars or small shows on property located on the west side of Caverns Drive (Route 685) approximately .125 mile south of Mountain Valley Road (Route 620), Election District #3, zoned A-2. Tax Map #126-(A)-178. Property address: 3126 Caverns Drive.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
4. Applicant shall meet all Health Department requirements regarding septic.
5. If expansion to the existing septic system is required, a permit shall be obtained from the Health Department for the expansion. A copy of the permit shall be submitted to the Community Development Department prior to issuance of a building permit. Expansion, if required, shall be installed and approval received from the Health Department prior to final inspection.
6. All requirements for cisterns shall be met.
7. As required by VDOT, a new commercial entrance shall be constructed to serve this business.
8. Applicant shall contact VDOT to locate the exact location for the new entrance. A commercial entrance permit shall be obtained from VDOT and submitted to the Community Development Department prior to obtaining building permits.
9. The new entrance shall be constructed and must be approved by VDOT prior to obtaining a certificate of occupancy for the business.
10. The two existing entrances on the property shall be removed prior to obtaining a certificate of occupancy for the business.
11. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
12. There shall be no off-premise signs permitted unless all County and State regulations are met.

13. Parking shall comply with the Rockingham County Code.
14. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
15. Hours of operation shall be as follows: 7:30 a.m. to 7:30 p.m. for group classes; and 7:30 a.m. to 8:30 p.m. for a session with an individual.
16. The pine trees on the subject property next to the Armentrout property (Tax Map #126-(A)-179) shall be removed prior to the business going into operation.
17. Class sizes shall be limited to no more than six (6) adult pets or nine (9) puppies or kittens.

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Supervisor Kyger recognized a student from Turner Ashby High School. He also acknowledged Joshua Humphries, Government Relations Specialist, James Madison University, and thanked him for his interest in local government.

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ADJOURNMENT.

Chairman Chandler declared the meeting adjourned at 6:22 p.m.

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Chairman