

May 22, 2019

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 22, 2019, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
SALLIE WOLFE-GARRISON, Election District #2
RICK 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
CASEY B. ARMSTRONG, Assistant County Administrator
RHONDA H. COOPER, Director of Community Development
PATRICIA D. DAVIDSON, Director of Finance
PHILIP S. RHODES, Director of Public Works
BRADFORD R. R. DYJAK, Director of Planning
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
INVOCATION
PLEDGE OF ALLEGIANCE.**

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

Supervisor Wolfe-Garrison asked attendees to take a moment for silent contemplation before she provided the Invocation. County Attorney Miller led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of May 8, 2019.

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TRANSPORTATION DEPARTMENT.

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

Mr. Komara reported that bids for the North Valley Pike (Route 11) bridge at Mauzy were opened earlier in the day. Seven bids were received, with A & J Development and Excavation, Inc. providing the low bid of \$12,560,729.22. He noted that work on the project will start during the summer, with Fairfield-Echols, LLC performing the bridge work.

Mr. Komara announced that a public hearing for the West Lee Street (Route 259) bridge project will be held on June 13, 2019 from 4 to 6 p.m. at J. Frank Hillyard Middle School.

Mr. Komara noted that paving is scheduled on:

- Lawyer Road (Route 655) by Peak View Elementary School
- Interstate 81 North from milepost 258 to milepost 262
- Interstate 81 South from the Shenandoah County line to milepost 258

Mr. Komara informed the Board that underdrains are being installed for Interstate 81 North where pot holes have formed. He explained that underdrains pull water out of the roadway sub-grade, which reduces the development of potholes. This work will be performed at night.

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**PUBLIC HEARING – VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)
SECONDARY ROAD SIX-YEAR IMPROVEMENT PROGRAM.**

At 6:09 p.m., Chairman Breeden opened the public hearing for VDOT’s Secondary Road Six-Year Improvement Program.

Mr. Komara reviewed the road projects included in the Construction Program Estimated Allocations for the Secondary System in detail, providing the status of roads that are under construction or completed. He noted all the gravel roads are listed, and some hard surface primary roads are also included on the program list. He stated that the funds are approved through Smart Scale.

W. R. Eberly, who has lived on Muddy Creek Road (Route 752) for 46 years, said there is no shoulder across the road from his mailbox. He noted that Muddy Creek Road, which is three miles long and runs from Mt. Clinton Pike (Route 726) to Fairview Church Road (Route 795), is in decent shape, except for the last half mile near the church. He expressed concern about limestone rocks close to the blacktop road. He also noted there are limestone rocks near a house sitting close to Singers Glen Road (Route 763), but vegetation has grown up around the rocks so that motorists do not realize the rocks are there until they hit them.

Mr. Eberly noted that hundreds of large trucks, including log, milk, feed, chicken, litter and garbage trucks utilize Muddy Creek Road to transport farm produce and other agricultural-related goods. He indicated it is difficult for school buses and trucks to pass each other due to the narrowness of the country roads.

At 6:25 p.m., Chairman Breeden closed the public hearing and reconvened the regular meeting for Board members to provide requests to Mr. Komara.

Supervisor Cuevas expressed concern about visibility being blocked at intersections and curves by tall grass and weeds. Mr. Komara indicated VDOT crews started mowing and will address intersections.

Supervisor Wolfe-Garrison indicated tree growth is blocking signs on Harpine Highway (Route 42 North) immediately north of the City limits.

In response to a question from Supervisor Wolfe-Garrison about how VDOT determines which secondary roads are placed on the six-year plan, Mr. Komara said a minimum of 50 vehicles need to utilize the road each day. If a road has a vehicle count over 100 a day, VDOT spends a lot of time grading the road. He noted it is less expensive to maintain a gravel road but the dust is an inconvenience for residents. The number of vehicles utilizing a road is calculated with a counter that also detects non-motorized vehicles (buggies and motorcycles).

In response to a question from Supervisor Wolfe-Garrison regarding the timeframe for improvements on Rawley Pike (Route 33 West), Mr. Komara said it is slated for improvements in 2020 or 2021. He noted the \$10 million, two-lane Smart Scale improvement project has advanced two or three years due to the quick design. The improvement will extend from the Route 33 West at the foot of Shenandoah Mountain to half way up the mountain. He said there are numerous accidents at the bottom of the mountain where tractor trailers travel into the wrong lane trying to navigate the mountain.

Supervisor Wolfe-Garrison thanked VDOT for their continued mowing.

Supervisor Kyger said Sheriff's Deputies are helping to reduce speeding issues on the straight stretch of Osceola Springs Road (Route 704). The road has a posted 45 miles per hour speed limit and a hairpin turn with a posted speed limit of 30 miles per hour. The speed limit at one end of the road is 25 or 35 miles per hour and the speed limit is 45 miles per hour on the other end, where it intersects with Port Republic Road (Route 253). He suggested that the speed limit on Osceola Road be reduced to at least 35 miles per hour as motorists approach Port Republic Road. Supervisor Kyger said engineers have looked at the road and the Sheriff's office is trying to catch speeders. He reiterated that the speed limit needs to be reduced on both ends of the road.

Supervisor Kyger said a Frederick County report indicates that Spotted Lanterflies are spreading and it is not believed the migration can be stopped. Mr. Komara said he was informed that a lot of the flies are transported by tractor trailers and other vehicles driving through areas where they are located. Mr. Komara gave the Forest Department permission to examine properties along the interstate and associated rights of way to determine if they are in our area. Supervisor Kyger said there are too many fruit crops in the County to take the Spotted Lanternfly lightly.

Since industrial access cannot be extended on Walton Way (Route 750) to the Pleasant Valley Industrial Park, Supervisor Kyger suggested that in conjunction with the Interstate 81 project, the Metropolitan Planning Organization (MPO) and the Commonwealth Transportation Board (CTB) consider an industrial access project on Cecil Wampler Road (Route 704) into the industrial area at Pleasant Valley. Supervisor Kyger indicated the industrial access could be utilized by heavy trucks entering and exiting the interstate so they do not have to make a U-turn on South Valley Pike (Route 11).

Since the bridge on Cecil Wampler Road will need to be replaced at some point, Supervisor Kyger said any extra infrastructure money from Congress could be added to the industrial access project. He noted this is an important industrial zone for the County and City that has poor access. Mr. Komara indicated such a request would require a petition to the federal government. Supervisor Kyger said Mr. Armstrong and Ms. Cooper should continue to request an industrial access project.

Supervisor Kyger also expressed appreciation to VDOT for keeping up with mowing.

Supervisor Chandler asked that the two crosswalk areas in Lakeview be painted. He also suggested putting stop bars at the intersection of Indian Trail Road (Route 620) and Mountain Valley Road (Route 620) and adding lines to separate the turn lane since trucks and farm equipment coming from Mountain Valley Road take more than their half of the road.

In response to a question from Chairman Breeden, Mr. Komara indicated Mr. Dean with VDOT ordered pipe for installation on the section of Hensley Hollow (Route 622) that washes out. Chairman Breeden informed Mr. Komara that he has received numerous dust complaints about the dairy farm on Cave Hill Road (Route 641) and Cemetery Road (Route 843). He suggested adding Cave Hill Road on the six-year plan, which may have as much traffic as Power Dam Road (Route 651). Mr. Komara indicated he will request a traffic count and look into that possibility.

Mr. Komara noted Smart Scale projects have been revised to include \$900,000 to improve the intersection of Spotswood Trail (Route 33) and Indian Trail Road (Route 620) by extending the right and left turn lanes. VDOT tried to add the Port Republic Road (Route 253) project, but was not successful so this may be a good Revenue Sharing project, Mr. Komara said.

Supervisor Wolfe-Garrison indicated three or four County projects were added to the Secondary Road Six-Year Improvement Program list during the MPO meeting because funding was reallocated from other projects that were dropped. Mr. Komara noted projects were dropped in other localities, and County projects were next in line. He indicated those added were the Indian Trail Road (Route 620)/ Spotswood Trail (Route 33) project, additional funding of \$7 million to complete East Market Street (Route 33) at the Interstate 247 interchange, as well as an Augusta County project. Mr. Komara noted that during a Smart Scale meeting where sidewalk and bike lanes were discussed, Administrator King and others spoke up about road and bridge projects needed. Because of that, the County received some Smart Scale road projects. Supervisor Wolfe-Garrison said staff does a good job of ensuring possible funding is obtained and stated it is important to stay on top of projects so funding is not lost.

Supervisor Breeden informed Mr. Komara that traffic backs up on the bridge at the intersection of Island Ford Road (Route 649) and East Side Highway (Route 340) when people are traveling to work. It was stated that there will be more traffic when construction starts on the Merck & Company expansion and they hire additional employees. Chairman Breeden noted that Sheriff’s Deputies are watching that area. Mr. Komara said he will determine if VDOT can apply for funding to help with a project to eliminate the issue.

Mr. Komara said the Board could adopt the Secondary Six-Year Improvement Program or wait until the June 12, 2019 meeting.

On motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the Secondary Six-Year Improvement Program as presented for Fiscal Years 2020-2021 through 2025-2026 as follows, with the County Administrator following up with any necessary paperwork:

Secondary System
Rockingham County
Construction Program
Estimated Allocations

Fund	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	Total
CTB Formula – Unpaved State	\$830,452	\$0	\$0	\$0	\$0	\$0	\$830,452
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TeleFee	\$214,734	\$214,734	\$214,734	\$214,734	\$214,734	\$214,734	\$1,288,404
Residue Parcels	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP – Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other State Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$0	\$1,166,020	\$746,024	\$990,446	\$862,679	\$862,679	\$4,627,848
Total	\$1,045,186	\$1,380,754	\$960,758	\$1,205,180	\$1,077,413	\$1,077,413	\$6,746,704

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CENSUS 2020 PRESENTATION.

Kathy O’Connell, United States Census Bureau Partnership Specialist for Central Virginia, indicated she and Roseann Ruckman, who was in attendance, work together with towns, cities and counties throughout the Shenandoah Valley. She noted they both live locally.

Ms. O’Connell provided an overview of the 2020 Census plan, indicating how it will affect the County, and highlighting steps to take to ensure a complete count. She noted the Census Bureau is the leading provider of quality data about the population and economy in the United States. The Decennial Census, conducted every ten years, is mandated by the Constitution for apportionment to determine the number of seats in Congress, and is the only actual count of the population in the United States. The data also supports redistricting at all levels and guides the distribution of more than \$675 billion in federal dollars every year.

Ms. O'Connell noted the purpose of the partnership program is to work with jurisdictions and organizations to educate people about the importance of the census and encourage citizens to respond to the census. For the first time, the Census Bureau will mail letters to all addresses encouraging self-response online or via telephone. Reminders will be sent in an attempt to avoid non responses. A paper questionnaire will be mailed to households that have not provided an on-line or telephone response by a set date. Lastly, census takers will visit homes that have not responded, but this is an expensive endeavor with a greater chance of an inaccurate count.

Ms. O'Connell said local citizens will be hired at \$15.00 an hour as census takers, as well as staff to canvas addresses such as new construction or buildings that have been demolished. She noted that twelve non-English languages will be supported. The information is confidential and protected, with the responses only used for statistical purposes.

Ms. O'Connell identified hard to count groups such as renters, non-English speaking residents, citizens with low income or low education levels, people who live in rural and isolated areas, as well as families with children under six years old.

Ms. O'Connell stressed that citizens not counted are missed for the entire decade, and noted a complete count insures an equitable distribution of federal financial assistance to governments and households. The County can prepare for a complete count by having a Complete Count Committee consisting of a designated chair and dedicated people to look at hard to count groups, develop strategies to increase awareness and encourage citizens to respond to the census.

Ms. O'Connell closed by encouraging the Board to pass a resolution supporting the formation of a Complete Count Committee, inviting Board members and staff to attend a Census Solution Workshop on June 24, 2019 at Hotel Madison, and requesting that a link to the 2020 Census website be located on the County website.

(A copy of Ms. O'Connell's presentation is included in the "Attachments – Board of Supervisors Minutes" notebook maintained in Administration.)

Supervisor Cuevas requested additional information regarding the census jobs. Ms. O'Connell noted the workers will be canvassing addresses from July until October, working approximately 20 to 30 hours a week, or less. She noted the census workers have to be at least 18 years old and have access to a vehicle. The workers will receive mileage reimbursement at the federal reimbursement rate.

Supervisor Cuevas asked if it is possible for people to participate twice. Ms. O'Connell said the addresses and completed census information will be matched up to ensure only one response is received for each address; the letters will go to an address, not a specific person.

Supervisor Kyger said since people know there are issues with elections, the public may be cautious about a census. He said the public needs to be well informed and educated about the importance and difference of a census count versus voter registration and voter participation. He noted the numbers are extremely critical to the County and State for the next ten years so every person needs to be counted. Supervisor Kyger stressed that this is a Constitutional requirement.

Supervisor Kyger made a motion that staff prepare a resolution to organize a Complete Count Committee for adoption by the Board at the June 12, 2019 Board Meeting.

Supervisor Kyger volunteered to serve as a co-chair if there is another co-chair volunteer for the Complete Count Committee.

Supervisor Chandler seconded the motion, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to prepare a resolution to organize a Complete Count Committee for adoption by the Board at the June 12, 2019 Board Meeting.

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CONSIDERATION – REVITALIZATION AREA RESOLUTION.

Craig Patterson, Senior Vice President for Woda Cooper Companies, Inc. based in Columbus Ohio, with an office in Norfolk, Virginia, requested a resolution for support and designation of a row house project on the 3700 block of Taylor Spring Lane as a revitalization area. He noted there are eight Woda Cooper Companies, Inc. developments in Virginia, with a total of 477 units.

Woda Cooper Companies would like to purchase a parcel of land that is currently owned by Sunnyside Retirement Community and is located next to Crescent Ridge Townhomes. Mr. Cooper said his firm would like to obtain the majority of the funding for the anticipated \$11.4 million project, which includes \$8 million for construction, from the Virginia Housing Development Authority (VHDA), which targets housing for working families, singles, retirees and veterans. In order to receive VHDA funding, the property needs to be designated as a revitalization area. He noted that a revitalization area is any location where a municipality deems the area as a potential economic growth area that could see new jobs and new businesses. Mr. Cooper said he has observed numerous economic development projects in the area, and he believes this 60-unit development project is appropriate for funding by the VHDA.

Administrator King confirmed with Community Development Director Cooper that there are no zoning issues on the property that would prohibit the proposed use.

Mr. Cooper stated their town homes are designed to integrate into the neighborhood, with brick and hardy plank exteriors. There will be a large community space for the use of residents and guests. They hope to have a health component with a wellness room so residents can access their health records through a Teladoc system. Additionally, there will be a fitness area and walking trails.

Since there have been storm water drainage issues, Supervisor Kyger asked staff how the proposed development affects drainage, whether the previous zoning takes into account the storm water issues that have surfaced since the study was conducted downstream, and how the project will affect the Lake Shenandoah issues.

Ms. Cooper responded that the property has been zoned residential since the 1980s but any development on the site will have to comply with current stormwater management regulations. The stream and the low land will be required to have a 50-foot riparian buffer. She confirmed with Mr. Cooper that he plans to place an easement on the area to protect it.

Mr. Cooper said he would like to obtain a conservation easement that could eventually be beneficial to the public.

Supervisor Chandler confirmed there is only one access off Taylor Spring Lane, where there is already a large volume of traffic and another development is under construction.

Mr. Cooper said his firm has consulted with Blackwell Engineering, who conducted a traffic study previously and believes the project will comply with VDOT requirements. He noted an updated study can be prepared if necessary.

Mr. Cooper noted that one of the challenges with the site is that twelve years ago when a townhome design was considered, there were no setback requirements. There is a quarter of an acre of wetlands that Woda Cooper Companies will offset with the purchase of wetlands credits. He further noted that Massanetta Springs Road (Route 687) has an elevation that makes it difficult to access for a second ingress and egress.

In response to a question from Supervisor Cuevas, Mr. Cooper said funding will come from housing tax credits allocated from the federal government through VHDA. The tax credits require a household age restriction of 18 and will not allow a large number of full-time students to live there. His firm manages their own properties for greater accountability and does not want compliance issues with the VHDA or their investors. The anticipated required income to purchase a one-bedroom unit is \$21,900 to \$35,900. This particular development is currently targeting 40 percent of the units to be at the highest income caps allowed under Section 42 of the

Internal Revenue Service Code. He noted the median income for a family of four is about \$62,000, so a family of four with an income up to \$50,000 would be able to live in the proposed units. Once a property owner qualifies, they can live there as long as their income does not exceed 140 percent of the area's median income.

Supervisor Cuevas indicated that historically, low-income housing impacts the school population and the Board needs to take that into consideration.

When Chairman Breeden asked about the deadline to receive a response from the Board, Mr. Cooper said he needs a response by mid-June in order to apply for funding by the end of July.

Since the head of the household cannot be less than 18, Supervisor Wolfe-Garrison confirmed that children are allowed in the proposed housing. Mr. Cooper said the person who signs the lease must be 18 or older, but children are allowed and they plan to build a playground.

Supervisor Chandler recommended the Board delay a response until the June 12, 2019 Board meeting since VDOT has not reviewed the plan. He informed Mr. Cooper that the Board already approved a townhouse next to this proposed development, so he would like to look at the storm water impact. Supervisor Chandler also noted the lower building is close to a creek. Mr. Cooper said he is aware of that, but their architect and Blackwell Engineering looked at the property.

Administrator King confirmed that Mr. Cooper is aware the sanitary sewer runs through the property. Mr. Cooper said he was told that it is believed there is capacity. Mr. King indicated he was referring to the location of the sanitary sewer.

Supervisor Chandler made a motion to table a decision about the revitalization resolution until the June 12, 2019 meeting. Supervisor Cuevas seconded the motion and encouraged Supervisor Chandler to ask Mr. Dyjak to prepare the impact numbers on VHDA money. During Supervisor Cuevas' years on the VHDA Board, he understood that this designation was to promote low-income housing for citizens who cannot afford other housing, which impacts schools and traffic more than a standard housing development.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board tabled the decision to provide a revitalization resolution designating the 3700 block of Taylor Spring Lane as a revitalization area.

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PUBLIC HEARING – AGRICULTURAL AND FORESTAL DISTRICT AMENDMENT.

At 7:31 p.m., Chairman Breeden opened the Agricultural & Forestal District Public Hearing and Director of Planning Dyjak reviewed the following request:

AFDA19-086 Request by Ottobine Mennonite Church, 9024 Kiser Road, Mt. Crawford, VA 22841, to add a 2.293-acre parcel at the southwest intersection of Briery Branch Road (VA 257) and Spring Creek Road (Route 613) to the Ottobine Agricultural-Forestal District. Tax Map Parcel #104-(A)-L127, Election District #4.

Mr. Dyjak indicated the applicant purchased adjoining property that is in the Ottobine Agricultural and Forestal District, and wants to ensure both parcels are consistent for building in the future.

Mr. Dyjak said the request is consistent with the agricultural reserve within the comprehensive plan, no comments were received from the Agricultural and Forestal District Advisory Committee or Planning Commission, and both entities unanimously recommended approval.

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

Chairman Breeden closed the public hearing at 7:35 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
AND RE-ENACTING
SECTION 17-508.02
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-508. Ottobine Agricultural and Forestal District be repealed and re-enacted as follows:

Sec. 17-508.02. - Description.

The Ottobine Agricultural and Forestal district shall consist of the following land: thirty-three (33) parcels spanning one thousand six hundred eighty-six (1,686) acres core area west of Ottobine in the southwestern portion of Rockingham County. In relation to the other nearby agricultural-forestal districts, the district is west of Dry River, northwest of Spring Creek and southwest of Western Rockingham. The district is compact rather than sprawling, extending in the north to Wheelbarger Hollow (Layman Hollow Lane), in the northeast to Union Springs Road, and to Briery Branch in the south. An isolated one-acre parcel, surrounded by the Spring Creek Agricultural and Forestal district, is even farther south at the southeast junction of Briery Branch Road and Spring Creek Road (Route 613). In the east, the district is adjacent to Ottobine Elementary School and on the west borders George Washington National Forest. The following parcels shown on county real estate maps, as of the effective date of this district, are part of the Ottobine district and numbered as:

89-(A)- L35A1, 90-(A)- L101, 90-(A)- L101A, 90-(A)- L102, 90-(A)- L103, 103-(A)- L171C, 103-(A)- L173, 104-(A)- L1, 104-(A)- L1C, 104-(A)- L8, 104-(A)- L13, 104-(A)- L14, 104-(A)- L14A, 104-(A)- L16, 104-(A)- L16A, 104-(A)- L19, 104-(A)- L20, 104-(A)- L21, 104-(A)- L22, 104-(A)- L23, 104-(A)- L24, 104-(A)- L24A, 104-(A)- L25, 104-(A)-L127, 104-(A)- L127A, 104-(A)- L133, 104-(A)- L133B, 104-(A)- L134, 104-(A)- L136A, 104-(A)- L136A1, 104-(A)- L137, 104-(A)- L145A, and 104-(A)- L146.

This ordinance shall be effective from the 22nd day of May, 2019.

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PUBLIC HEARING – REZONINGS.

At 7:36 p.m., Chairman Breeden opened the public hearing and Director of Planning Dyjak reviewed the following rezoning request:

REZ18-364 Request by Keith J. Knupp, P.O. Box 25, Penn Laird, VA 22846 to rezone a 1.736-acre parcel on the east side of Lawyer Road (Route 655), approximately 60 feet south of Spotswood Trail (US 33), from A-2 General Agricultural District to B-1 General Business District. Tax Map Parcel #126-(A)-L83A, Election District #5.

Mr. Dyjak stated the parcel is adjacent to other parcels that are already zoned B-1. The adjoining parcel that fronts on Spotswood Trail is an auto sales lot owned by the applicant, Keith Knupp. He wishes to expand his used car lot, but such a use is not allowed in an A-2 district. Both Mr. Knupp and the adjoining owner of the 7-11 convenience store want to adjust some lot

lines and consider internal driveway connections. In order to move forward with realignment of the lot lines a rezoning is needed.

Mr. Dyjak noted there are no proffers limiting uses on the property, and it is subject to any allowable B-1 use. The property is within the 100-year flood plain so there are limitations that Mr. Knupp is aware of, and he will have to present an additional site plan for staff's review if the rezoning is approved. Mr. Dyjak further noted there are specific restrictions in the flood plain code limiting the use of car sales lots. He pointed out an overflow area where used cars cannot be parked, but stated they can utilize other portions of the lot.

Mr. Dyjak stated the applicant is encouraged to comply with VDOT requirements during the site plan stage. He noted no comments were received from adjoining property owners or the public.

By a 5 to 0 vote on May 7, 2019, the Planning Commission recommended approval.

Applicant Keith Knupp said he intends to build a facility to service the vehicles from his used car lot. He stated County staff has done a thorough job of explaining what is on his property and what can be expected.

No one spoke in opposition to the request.

Chairman Breeden closed the public hearing at 7:43 p.m.

On behalf of Chairman Breeden, on motion by Supervisor Chandler, 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; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved REZ18-364, Request by Keith J. Knupp, P.O. Box 25, Penn Laird, VA 22846 to rezone a 1.736-acre parcel on the east side of Lawyer Road (Route 655), approximately 60 feet south of Spotswood Trail (US 33), from A-2 General Agricultural District to B-1 General Business District. Tax Map Parcel #126-(A)-L83A, Election District #5.

At 7:43 p.m., Chairman Breeden opened the public hearing. Director of Planning Dyjak reviewed REZ19-084 and REZ-085.

REZ19-084 Request by Taylor Grove II, LLC., 1463 Brookhaven Drive, Rockingham, VA 22801, to rezone a 0.11-acre parcel on the south side of Taylor Grove Lane (Route 668) approximately 400 feet east of Boyers Road (Route 704) from A-2 General Agricultural District to R-3 General Residential District. Portion of Tax Map Parcel #125H-(A)-L8, Election District #3.

Mr. Dyjak explained that this is a housekeeping issue since an existing house encroaches over the property line. The house is in the A-2 district, but there is a 30-foot wide strip of land that the applicant wants to rezone to realign the lots. The back portion of the property would be rezoned to R-3 and then added to the existing Taylor Grove subdivision acreage. The front portion of the property would retain the A-2 zoning and be added to the property where the house is located.

Supervisor Wolfe-Garrison asked if this was a surveying issue. Mr. Dyjak noted staff's understanding is that the parcel has been as presently platted since the 1980s. It could have been platted for utilities or an alley that was never finalized. When the Taylor Grove project was developed, this was not addressed because it was a separate parcel. The applicant owns the apartment complex, single residence and this strip of land, and he wants to realign the property to sell the house.

By a 5 to 0 vote on May 7, 2019, the Planning Commission recommended approval.

Supervisor Breeden asked if there would be an impact on side or back yard set-backs on adjoining properties because he would not want the purchaser of the house to be unable to have a storage building in his yard. Mr. Dyjak said that will not be an issue.

Supervisor Wolfe-Garrison asked if the property owner can simply vacate the lot lines to take care of the issue for future conveyances. Mr. Dyjak said since the back portion will be rezoned R-3, it would be easier to apportion part of the parcel to the Taylor Grove apartment complex and follow the existing property line for the house on Taylor Spring Lane.

Applicant Ted Budd was available to answer questions.

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

REZ19-085 Request by Stoneleigh Investments, LLC, 1463 Brookhaven Drive, Rockingham, VA 22801 to rezone a 2.08-acre parcel at the northwest intersection of Stone Spring Road (VA 280) and Port Republic Road (VA 253) from A-2 General Agricultural District to B-1C General Business District with conditions. Tax Map Parcel #125-(A)-L15D, Election District #4.

The parcel is surrounded by B-1 and B-1C properties. Mr. Dyjak noted the two acres appear to be part of the parcel, but are in the VDOT right of way. The applicant has acquired the VDOT right of way and is seeking to add it to his property. The access will be from Stone Vista Drive, which is a stub street into the Walmart Neighborhood Market rear entrance, and will be the primary access point for future development. Mr. Dyjak emphasized the existing proffered conditions imposed in 2014 will be extended to this parcel to regulate the open space, outdoor lighting and landscaping requirements.

No public comments were received at the Planning Commission meeting. By a 5 to 0 vote on May 7, 2019, the Planning Commission recommended approval.

Supervisor Chandler said he assumed the property will be used as a utility easement and will be redirected. Applicant Ted Budd responded that they are working on that.

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

Chairman Breeden closed the public hearing at 7:52 p.m.

REZ19-084

Supervisor Chandler said rezoning REZ19-084 is basically a cleanup issue.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved REZ19-084, request by Taylor Grove II, LLC., 1463 Brookhaven Drive, Rockingham, VA 22801, to rezone a 0.11-acre parcel on the south side of Taylor Grove Lane (Route 668) approximately 400 feet east of Boyers Road (Route 704) from A-2 General Agricultural District to R-3 General Residential District. Portion of Tax Map Parcel #125H-(A)-L8, Election District #3

REZ19-085

Supervisor Kyger said REZ19-085 is consistent with the zoning code, specifically in the B-1 district, and existing proffers are retained. The parcel is along the primary access road and fits in with the urban growth area.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved REZ19-085, request by Stoneleigh Investments, LLC, 1463 Brookhaven Drive, Rockingham, VA 22801 to rezone a 2.08-acre parcel at the northwest intersection of Stone Spring Road (VA 280) and Port Republic Road (VA 253) from A-2 General Agricultural District to B-1C General Business District with conditions. Tax Map Parcel #125-(A)-L15D, Election District #4.

(Note: A copy of the proffered conditions imposed in 2014 which are extended to this parcel is attached to and made a part of these minutes.)

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 7:53 p.m., Chairman Breedon opened the public hearing and Mr. Getz reviewed the first two proposed ordinance amendments relating to electronic files.

OA19-072 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-1004.05(a) Amendments to Planned Development Districts to require a digital file to be submitted with the application.

By a 5 to 0 vote on May 7, 2019, the Planning Commission recommended approval.

OA19-075 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-1005.03 Site plan review requirements to change wording from electronic copy to digital file.

By a 5 to 0 vote on May 7, 2019, the Planning Commission recommended approval.

No one spoke regarding ordinance amendments OA19-072 or OA19-075.

Chairman Breedon closed the public hearing at 7:55 p.m.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following two ordinance amendments:

**ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 17-1004.05(a)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-1004.05(a). Amendments to Planned Development Districts be and hereby is repealed and re-enacted as follows:

Sec. 17-1004.05. - Amendments to planned development districts.

(a) With each application to amend the area of the planned development district, or to amend the narrative statement or the master plan within an area that is less than the entire district, the applicant shall submit a vicinity map, as detailed above, and digital file showing

the entire existing planned development district and identifying any area to be added to or deleted from the district, or identifying the area to which the amended proffers and master plan will apply.

This ordinance shall be effective from the 22nd day of May, 2019.

**ORDINANCE REPEALING
AND
RE-ENACTING
SUB-SECTION 17-1005.03(b)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sub-section 17-1005.03(b). Site Plan Review Requirements be and hereby is repealed and re-enacted as follows:

Sec. 17-1005.03. - Site plan review requirements.

- (b) Six (6) paper copies of the site plan, drawn to scale, shall be submitted by the applicant and approved by the zoning administrator. Following notification of approval of the site plan, one (1) digital file shall be submitted to the community development department. The zoning administrator may decrease the required number of paper copies as the project warrants. Each site plan shall contain, at a minimum, the following:

Section 17-1005.03 (a) and Subsections 17-1005.03 (b) (1) through (b) (23) are reaffirmed.

This ordinance shall be effective from the 22nd day of May, 2019.

At 7:56 p.m., Chairman Breeden opened the public hearing and Mr. Getz reviewed the Rockingham County Policy for Digital Files for Subdivision Final Plats, Site Plans and Master Plans since it relates to Ordinance Amendments OA19-072 and OA19-075.

In response to questions from Supervisor Wolfe-Garrison, Mr. Getz indicated most engineers provide the digital files late. The policy confirms the format Community Development wants submitted and gives staff authorization to change the format as technology changes. Mr. Dyjak stated the policy formalizes the format currently used. Engineers will have to acquire software in order to comply with the policy.

No one spoke regarding the Rockingham County Policy for Digital Files for Subdivision Final Plats, Site Plans and Master Plans.

Chairman Breeden closed the public hearing at 7:58 p.m.

On motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following policy:

**ROCKINGHAM COUNTY POLICY
FOR DIGITAL FILES FOR
SUBDIVISION FINAL PLATS, SITE PLANS AND MASTER PLANS**

As part of Rockingham County's ongoing effort to speed up the mapping processes, reduce errors, and increase efficiency, the County has developed standards for digital submission of plats.

Currently the following file formats will be accepted on CD/DVD, thumb drive, or as an attached email:

FOR FINAL PLATS:

1. CAD file (.DWG or .DXF), {AutoCAD version 2013 or earlier}
2. ESRI shapefile or geodatabase

Requirements for digital submission must include the following:

- Only one file submitted, not multiple pages.
- Lot lines and lot dimensions should be seamless and joined at match lines between multiple sheets.
- If submitted via media, Label with the name of the file and date of the submission.
- If possible, plats and plans will be oriented in space, using control points to Virginia State Plane Coordinates, North Zone, NAD 83 to match the county's GIS data projection.
- Annotations must have road names and lot numbers.
- All digital line types will be solid, continuous, and snapped at intersections.

FOR SITE PLANS AND MASTER PLANS:

PDF file

Community Development staff is authorized to change format as technology changes.

At 7:59 p.m., Chairman Breeden opened the public hearing and Mr. Getz reviewed the following ordinance amendment:

OA19-083 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201. Definitions generally to remove the definitions of electrical engineer and structural engineer and replace with the definition of engineer.

By a 5 to 0 vote on May 7, 2019, the Planning Commission recommended approval.

No citizens spoke in favor or in opposition to the proposed ordinance amendment.

Chairman Breeden closed the public hearing at 8:01 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 17-201
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-201 Definitions generally be and hereby is repealed and re-enacted as follows:

ARTICLE II. DEFINITION OF TERMS

Section 17-201. Definitions generally

Remove:

Electrical engineer. An individual or firm licensed to practice electrical engineering by the Commonwealth of Virginia.

And

Structural engineer. (for wireless telecommunications facilities). An individual or firm licensed to practice structural engineering by the Commonwealth of Virginia.

Add:

Engineer. A professional engineer licensed by the Commonwealth of Virginia.
(in alphabetical order)

All other definitions are re-affirmed.

This ordinance shall be effective from the 22nd day of May, 2019.

At 8:02 p.m., Chairman Breeden opened the public hearing and Mr. Getz reviewed the following ordinance amendment:

OA19-078 Amendment to the Rockingham County Code, Chapter 16 (Subdivision Ordinance), Sections 16-41(b) & (c), and 16-42(a) to change the number of final plats required and require bonding and digital files be received prior to Subdivision Agent signature of final plat.

By a 5 to 0 vote on May 7, 2019, the Planning Commission recommended approval.

No one spoke in favor or in opposition to the proposed ordinance amendment.

Chairman Breeden closed the public hearing at 8:02 p.m.

On motion by Supervisor Chandler, seconded by Supervisor Wolfe Garrison, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 16-41 AND SUBSECTION 16-42(a)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 16-41. Decisions by agent be and hereby is repealed and re-enacted as follows:

Section 16-41. – Decisions by agent

- (a) A decision on the final plat shall be rendered by the agent within sixty (60) days after such plat is submitted to the agent.
- (b) Upon notification from the agent that the final plat is ready for signature, the subdivider shall submit to the required agencies the original and two (2) copies for signatures by the required agencies. Said original and copies shall then be submitted to the agent for his approval.
- (c) Upon the agent determining a final plat meets the requirements of this chapter, the developer shall provide assurance to the agent, in accordance with the bonding policy of the county that all improvements contained on the final plat have been, or will be constructed at the cost of the developer. Such assurance may be by certification that the improvements have been completed and payment has been made to the person constructing such improvements; or, by providing a certified check, cash escrow, bond with approved surety, or a bank letter of credit in an amount sufficient for and conditioned upon the construction of such improvements and in accordance with the bonding policy of the county. Upon notification that the final plat is ready to be approved, the developer shall submit the required bonding and digital file prior to signature by the subdivision agent.

That Subsection 16-42(a). Recordation be and hereby is repealed and re-enacted as follows:

Sec. 16-42. - Recordation.

- (a) Upon provision of such assurance that improvements will be constructed, the original signed final plats shall be filed in the office of the clerk of the circuit court. No such plat of any subdivision shall be recorded by said clerk unless and until it shall have been submitted to and approved by the agent.

Subsections 16-42(b) and (c) are reaffirmed.

This ordinance shall be effective from the 22nd day of May, 2019.

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RECESS.

The meeting was recessed from 8:02 p.m. to 8:07 p.m.

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**INTENT TO ADOPT ORDINANCE TO AMEND SECTION 7-10 OF THE
ROCKINGHAM COUNTY CODE PERTAINING TO THE CONSUMER UTILITY TAX.**

County Attorney Miller explained that the consumer utility tax ordinance needs to be updated to reflect the new maximum caps on consumer utility tax rates that were approved along with the 2019-2020 budget. Cap rates for residential customers increased from \$2 to \$3, and the

cap rates for non-residential customers increased from \$20 to \$40 a month. He noted the language in the ordinance is complicated, but the remainder of it has not changed.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE
REPEALING
AND RE-ENACTING
SECTION 7-10
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 7-10 “Imposed; amount” be and hereby is repealed and re-enacted as follows:

Sec. 7-10. Imposed; amount.

- (a) Except as hereinafter provided, there is hereby imposed and levied by the county upon each purchaser of a utility service a tax, further described below, not to exceed twenty (20) percent of the charge exclusive of any federal tax thereon, made by the seller against the purchaser with respect to each utility service, which tax in every case shall be collected by the seller from the purchaser and shall be paid by the purchaser to the seller for the use of the county at the time the purchase price or payment for such charge shall become due and payable under the agreement between the purchaser and the seller; provided that in case any monthly bill of a residential user shall exceed fifteen dollars (\$15.00) no tax shall be computed on such excess, and in case any monthly bill of a commercial user shall exceed two hundred dollars (\$200.00) no tax shall be computed on such excess. In case bills are submitted by any seller for two (2) months' service, no tax shall be computed on so much of such bill as shall exceed thirty dollars (\$30.00) for residential user or four hundred dollars (\$400.00) for a commercial user.
- (b) Effective with the first bill for electric energy rendered for meter readings on or after July 1, 2019, the rate of tax on the electric energy delivered to the user shall be as follows:
 - (1) Residential user: \$0.1500 per kilowatt hour (kWh) with a minimum tax of one dollar and forty cents (\$1.40) per month and a maximum tax of three dollars (\$3.00) per month.
 - (2) Commercial or industrial user: \$0.014674 per kilowatt hour (kWh) with a minimum tax of two dollars and twenty-nine cents (\$2.29) per month and a maximum tax of forty dollars (\$40.00) per month.
- (c) Effective with the first bill for natural gas energy rendered for meter readings on or after July 1, 2019, the rate of tax on the natural gas energy delivered to the user shall be as follows:
 - (1) Residential user: Three dollars (\$3.00) per month.
 - (2) Commercial or industrial user: Four dollars and sixty-five cents (\$4.65) per month plus \$0.0520 per hundred cubic feet (CCF) with a maximum tax of forty dollars (\$40.00) per month.

This ordinance shall be effective from the 1st day of July, 2019.

COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator King's staff report dated May 17, 2019. Mr. King indicated none of the items in his report required action.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Economic Development & Tourism staff report dated May 22, 2019.

Mr. Armstrong brought attention to an email sent to the Board the previous week regarding a proposal received for a water line extension from the Kaylor Hill water tank to a property on West Mosby Road (Route 701) to the Tan Bark Lane property for the Cobbler's Valley Subdivision. The proposal was discussed with the Public Works Committee earlier in the day and an advertisement is needed to seek competing proposals under the Public-Private Education and Infrastructure Act (PPEA).

In reference to a question from Mr. Miller, Mrs. Davidson said the PPEA policy requires the County Administrator to establish a committee to review the proposal received and determine whether it is appropriate to move forward. Since the Board and staff have already talked about it, Mrs. Davidson said the minutes should reflect that the Board gave staff permission to post the PPEA. It will be posted for 45 days, closing on July 8, 2019 at 2 p.m. She noted the advertisement will be posted on the County website on May 23, 2019, and will publish in the *Daily News Record* on May 25, 2019.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator and staff to advertise the Public-Private Education and Infrastructure Act (PPEA) request for a water line extension from the Kaylor Hill water tank to a property on West Mosby Road (Route 701) to Tan Bark Lane property for the Cobbler's Valley Subdivision. The proposal was discussed with the Public Works Committee earlier in the day and staff will place an advertisement to seek competing proposals under the Public-Private Education and Infrastructure Act (PPEA).

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated May 15, 2019. She brought attention to a Memorandum of Understanding (MOU) dated August 14, 2017, between the County, the City and the Harrisonburg Rockingham Social Services District (HRSSD). She noted there is a change in the calculation for the depreciation of the building occupied by HRSSD. For the first 18 months it was charged at \$10,733.67. In the fall of 2019, HRSSD provided a new depreciation calculation that brings it to \$9,891.85. Mrs. Davidson indicated the only change on the MOU is the depreciation calculation. She requested permission from the Board to move forward with the change and obtain signatures.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator and staff to update the Memorandum of Understanding between the County, the City and the Harrisonburg Rockingham Social Services District to reflect the depreciation calculation change for the building occupied by the Harrisonburg Rockingham Social Services District, and obtain the proper signatures on the updated document.

FINANCE COMMITTEE REPORT

Supervisor Cuevas indicated the Invitation to Bid to request formal competitive bids to establish a contract for the restoration of the metal roof system on the Rockingham County Central Garage Facility, located at 955 Pleasant Valley Road in Harrisonburg closed. Two bids were received. The low bid was received from Baker Roofing in the amount of \$28,000.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board accepted the bid from Baker Roofing for a contract in the amount of \$28,000 to restore the metal roof system on the Rockingham County Central Garage Facility.

On behalf of the Finance Committee, Supervisor Cuevas made a motion, seconded by Supervisor Chandler, to approve the following 2019-2020 supplemental appropriation:

Additional Commonwealth’s Attorney

The General Assembly passed legislation in response to the extensive work required to process Body Worn Cameras (BWC). Per new legislation that begins on July 1, 2019, localities shall provide an attorney for each 75 BWCs in the jurisdiction. Harrisonburg-Rockingham Sheriff’s Office and Harrisonburg Police Department has a combined 161 BWCs. The Commonwealth’s Attorney is requesting that one new attorney be added with a starting date of September 3, 2019 at a starting salary of \$63,824.

Supplemental Appropriation: \$70,000

\$ (35,000)	GL Code: 1001-09110-00000-000-505800-000	GF: Contingency
\$ 35,000	GL Code: 1001-00000-11899-000-318600-000	Share of Costs: Harrisonburg
\$ 54,000	GL Code: 1001-02201-00000-000-501100-000	Comm Atty: Salaries
\$ 16,000	GL Code: 1001-02201-00000-000-502xxx-000	Comm Atty: Benefits

Supervisor Wolfe-Garrison stated approval is required in order to comply with General Assembly requirements.

Administrator King noted that Commonwealth’s Attorney Garst is not pressing for as much as she could, according to the ratio suggested by the state. He indicated in his dealings with Ms. Garst over the past three years, she has consistently been very fiscally responsible. Ms. Garst has struggled in recent years to find adequate attorney staffing at the level of compensation the Compensation Board recognizes. Administrator King asked that the Board continue to inform the Compensation Board that public attorneys are essential state employees.

Mrs. Davidson said she spoke with the City Finance Director, and the City agrees with the appropriation. It was noted that the City will pay half of the \$70,000.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the \$70,000 supplemental appropriation to cover the salary of a new attorney in the Commonwealth’s Attorney’s office at a starting salary of \$63,824.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes’ staff report dated May 22, 2019.

Chairman Breedon noted the McGaheysville water line project is close to completion.

Supervisor Wolfe-Garrison said she was advised by two citizens that went to the landfill on two separate Saturdays that they were not able to place their number 1 and number 2

recycling items in the recycling bins because the bins were at capacity. Both of the citizens were advised by landfill employees to put the recyclables in the trash, but they took the recycles home. They both encountered the same situation when they attempted to recycle the plastics the following Saturday, but were able to recycle the items the third week they visited the landfill.

Mr. Rhodes indicated the landfill has had scheduling issues with drivers on Saturdays, but he will look into the situation.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated May 22, 2019.

Ms. Cooper announced that the League of American Bicyclists honored Rockingham County with a Bronze Level Bicycle Friendly Community award. She noted it is unusual for a mostly rural county to receive this award, so it is quite commendable. Ms. Cooper thanked the Board for the support provided to staff for bicycle and pedestrian plans and road projects.

COMMITTEE APPOINTMENT

Community Development Director Cooper noted that the Rockingham Bicycle Advisory Committee received an application for membership from Chris Hamilton and unanimously supported his appointment. Mr. Hamilton has a great deal of expertise in bicycle and pedestrian advocacy work, as well as work on committees. If appointed, Mr. Hamilton will replace Brian Bauer.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Chris Hamilton to the Rockingham Bicycle Advisory Committee for a term which will expire December 31, 2021.

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COMMITTEE REPORTS.

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

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

Supervisor Chandler noted that the CSPDC Executive Committee met and the budget will be presented to the full committee on June 17, 2019.

CHAMBER OF COMMERCE

Supervisor Wolfe-Garrison announced that Valley Fest will be held at Massanutten Resort on May 25, 2019.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Chandler reported that a CCJB meeting will be held on June 3, 2019 at 4:00 p.m.

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Wolfe-Garrison said Mr. Komara reviewed the new funds available to the County.

Administrator King said he believes some of the new funding has to do with the cooperative spirit the Board has with the City. He stated that is the purpose of the MPO and it makes sense to work together.

Supervisor Wolfe-Garrison said Mr. Komara mentioned that, due to staff’s attentiveness to Smart Scale projects and focus on interconnectivity, roads and by-passes have been well received at the state level. Supervisor Wolfe-Garrison thanked staff for their dedication.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison indicated the Library is finishing up their five-year mandate.

SOCIAL SERVICES

Supervisor Breeden reported the Social Services Board will meet on May 23, 2019.

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COMMITTEE APPOINTMENTS.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Casey Armstrong to serve as a member on the Shenandoah Valley Partnership Board.

Administrator King interjected that the Shenandoah Valley Partnership Board has requested that the appointment be for a three-year term.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Casey Armstrong to serve as a member on the Shenandoah Valley Partnership Board for a term to expire June 30, 2022.

An appointment was made to the Rockingham Bicycle Advisory Committee during the Community Development Staff Report.

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CLOSED MEETING.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 8:23 p.m. to 9:01 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, 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; (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community; and (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MOTION: SUPERVISOR KYGER
SECOND: SUPERVISOR CHANDLER

RESOLUTION NO: 19-04
MEETING DATE: MAY 22, 2019

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, WOLFE-GARRISON
NAYS: NONE
ABSENT:

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ADJOURNMENT.

Chairman Breeden declared the meeting adjourned at 9:02 p.m.

_____,
Chairman