

May 23, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 23, 2018, 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  
RICKY L. CHANDLER, Election District #3  
MICHAEL A. BREEDEN, Election District #5

WILLIAM B. KYGER, JR., Election District #4 was absent

Also present:

BRYAN F. HUTCHESON, Sheriff

STEPHEN G. KING, County Administrator  
THOMAS H. MILLER, JR., County Attorney  
CASEY B. ARMSTRONG, Assistant County Administrator  
PHILIP S. RHODES, Director of Public Works  
RHONDA H. COOPER, Deputy Director of Community Development  
JUSTIN S. MOYERS, Deputy Finance Director  
DIANA C. STULTZ, Zoning Administrator  
JESSICA G. KILBY, 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 Cuevas called the meeting to order at 6:00 p.m.

Supervisor Chandler gave the Invocation and Assistant County Administrator Armstrong led the Pledge of Allegiance.

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**INTRODUCTION OF STUDENTS.**

Students from Spotswood High School introduced themselves to the Board.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of May 9, 2018.

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**TRANSPORTATION DEPARTMENT.**

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

Recent maintenance work included mowing, storm damage repairs, grading roads and hauling rock.

Mr. Komara reported that a public hearing for the Secondary Six-Year Improvement Program will be advertised for the June 27, 2018, Board meeting.

Supervisor Chandler mentioned several safety concerns, including the need for turn lanes on Cross Keys Road (Route 276) and Port Republic Road (Route 253), and site distance issues where Taylor Spring Lane (Route 688) meets Boyers Road (Route 704). In response, Mr. Komara indicated VDOT is currently pursuing additional funding for safety projects.

Supervisor Wolfe-Garrison brought attention to a large pothole on Erikson Avenue across from Belmont Estates.

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**COUNTY ADMINISTRATOR’S STAFF REPORT.**

The Board received and reviewed Administrator King’s staff report dated May 18, 2018.

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**COUNTY ATTORNEY’S STAFF REPORT.**

County Attorney Miller reported that the Building Official inspected a structure at 4154 Park Way Road in District 5 and determined the structure should be declared dilapidated.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board found the structure at 4154 Park Way Road, Elkton, Virginia dilapidated and authorized the Building Official to take such steps as necessary to have the structure repaired or removed in accordance with Section 6-6 of the Rockingham County Code.

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**ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Armstrong’s Community Development staff report dated March 23, 2018.

Zoning Administrator Stultz reported there has been an increase in requests for townhouse developments and questions by the developers related to the current regulations that require all of the lots to be on state-maintained roads, rather than the private access easements that were permitted under the previous ordinance. Ms. Stultz requested the Board allow staff to review and re-evaluate current townhouse regulations.

By consensus, the Board authorized staff to review current townhouse development regulations and report back with a recommendation.

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson’s staff report dated April 27, 2018.

In regard to the recent Invitation to Bid (ITB) for apparel for the Parks and Recreation Department, Deputy Director Moyers reported that four bids were received, but they were not comparable to the way the department will actually use the contract. He explained that the department will be able to purchase apparel in a more economical way if each order is bid separately. Therefore, he requested the Board cancel the ITB for apparel.

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; KYGER - ABSENT; WOLFE-GARRISON – AYE; the Board canceled the Invitation to Bid for the purchase of apparel for the Parks and Recreation Department.

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**COMMITTEE REPORTS.**

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

FINANCE

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; KYGER - ABSENT; WOLFE-GARRISON – AYE; the Board approved the following FY2017-2018 Supplemental Appropriation:

Sheriff

A supplemental appropriation in the amount of \$25,909 to replace a 2016 Ford Taurus that was totaled in an accident. Insurance proceeds in the amount of \$17,490 have been received. The remaining \$8,419 will be provided by the General Fund Reserve.

Supplemental Appropriation: \$25,909

\$25,909	GL Code: 1001-03102-00000-000-508005-000	Vehicles
\$17,490	GL Code: 1001-00000-14101-000-341100-000	Insurance Recoveries
\$ 8,419	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Chandler reported that the 2040 Long Range Transportation Plan and the 2018 Harrisonburg Rockingham MPO Memorandum of Understanding were adopted at the April MPO meeting.

LIBRARY

Supervisor Chandler reported that the Library Board reviewed bids for a heating and ventilation system for the Library and awarded a contract to Riddleberger Brothers Inc.

TECHNOLOGY

Administrator King reported that the Virginia National Guard will conduct a cyber security evaluation for the County, as they do for other localities. He noted that the evaluation was previously offered at no cost; however, the National Guard recently implemented a fee for the service. Although funds for the security assessment are already included in the budget, Mr. King said staff intends to apply for a \$10,000 grant to help offset the cost.

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**REVIEW OF COMMITTEE ASSIGNMENTS.**

The Board received the following revised Chairman's Committee assignments for the remainder of 2018:

**BOARD OF SUPERVISORS  
2018 Chairman's Committee Assignments**

**BOARD COMMITTEES:**

**BUILDINGS AND GROUNDS**

Mike Breeden  
Rick Chandler

**FINANCE**

Michael Breeden  
Pablo Cuevas

**PUBLIC WORKS**

Pablo Cuevas  
Michael Breeden

**PERSONNEL-RELATED (Ad Hoc)**

Chairman  
Vice-Chairman

**LIAISON COMMITTEES:**

**CITY-COUNTY LIAISON**

William Kyger  
Pablo Cuevas

**AUGUSTA/ROCKINGHAM LIAISON**

District 3 Board Member  
District 4 Board Member

**SCHOOL BOARD LIAISON**

Pablo Cuevas  
Sallie Wolfe-Garrison

**TOWNS/COUNTY LIAISON**

Chairman  
Town's Board Member or Vice-Chairman

**JMU LIAISON**

District 3 Board Member  
District 4 Board Member

**SENTARA-RMH LIAISON**

District 3 Board Member  
District 4 Board Member

**OTHER COMMITTEES:**

**CENTRAL SHENANDOAH PLANNING  
DISTRICT COMMISSION**

Rick Chandler  
Rhonda Cooper

**TECHNOLOGY COMMITTEE**

Sallie Wolfe-Garrison  
William Kyger

**SOCIAL SERVICES ADVISORY BOARD**

Michael Breeden

**MASSANUTTEN REGIONAL LIBRARY**

Rick Chandler

**CHAMBER OF COMMERCE**

Sallie Wolfe-Garrison

**RELATED LANDS (Federal)**

Michael Breeden  
Rhonda Cooper

**COMMUNITY CRIMINAL  
JUSTICE BOARD**

William Kyger  
County Administrator

**WORK FORCE INVESTMENT BOARD**

Pablo Cuevas  
Casey Armstrong, alternate

**VACO BOARD**

William Kyger

**METROPOLITAN PLANNING ORGANIZATION**

Rick Chandler  
Sallie Wolfe-Garrison  
Stephen King

Michael Breeden, Alternate  
Rhonda Cooper, Alternate  
Casey Armstrong, Alternate

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**CLOSED MEETING.**

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board recessed the meeting from 6:33 p.m. to 7:11 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 CHANDLER      RESOLUTION NO: 18-10  
SECOND: SUPERVISOR BREEDEN      MEETING DATE: MAY 23, 2018

**CERTIFICATION OF CLOSED MEETING**

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

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

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

VOTE:  
AYES:            BREEDEN, CHANDLER, CUEVAS, WOLFE-GARRISON  
NAYS:            NONE  
ABSENT:        KYGER

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**PUBLIC HEARING – REAL ESTATE TRANSACTIONS.**

Chairman Cuevas opened the public hearing at 7:12 p.m., and explained the public hearing procedures.

Administrator King reviewed the parcel of property known as the Dayton Learning Center (DLC), located at 290 Mill Street in Dayton Virginia, containing approximately 4.2 acres of real estate (tax map parcel 107D2-(A)-L10). The School Board declared the property surplus on May 8, 2018. Mr. King pointed out that the property is zoned B-1, conditional based on Dayton’s zoning ordinance.

James Orndoff, former DLC Adult Education Director, provided information about the property dating back to 1914. He expressed his desire for the building to remain operational as an educational facility and indicated he hopes potential buyers recognize its history and the impact it has had on the community.

Penny Imeson, Executive Director, Harrisonburg-Rockingham Historical Society, urged the Board to consider the historic value of the building when reviewing offers for the

property, and not just the market value. She said the building could be a successful adaptive reuse, similar to the City's Ice House and Lucy F. Simms buildings.

Dwight Houff indicated he has no connection to Blue Ridge Christian School (BRCS), but said BRCS has a need for additional space. In his opinion, this property will be a good fit for Blue Ridge Christian School.

Blue Ridge Christian School Board President, Christopher Goehner, said BRCS has the immediate need for space and that the former DLC building will be excellent for that purpose. He and other members from the school were available for questions.

Dayton resident, Jody Meyerhoffer, also spoke about the historical value of the building and expressed his desire for the building to continue to be used to serve the community, whether through an educational facility or community center.

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Administrator King reviewed the second parcel of land, containing 43,559 square feet, located north of Route 259 and on the western bank of Runions Creek about four miles west of Broadway, in the Plains District (tax map parcel 38-(A)-24A).

Mr. King said the property contains a building reportedly used as a school many years ago. He noted that a large portion of the land is located in the flood plain and pointed out that if the Board declares the property surplus; it will also place a restriction on the property so that no construction is permitted.

No members of the public provided comments in favor or in opposition to the property in the Chimney Rock area.

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Chairman Cuevas announced that three proposals were received for the former DLC property and one proposal was received for the parcel in the Chimney Rock area. He emphasized the Board's intent to dispose of the properties in a manner which will provide the best possible impact to the County and its citizens. He reiterated that proposals will not be accepted based solely on the highest bid. Chairman Cuevas indicated staff will review the proposals and determine the best disposition of each property before the June 13 Board meeting.

Chairman Cuevas closed the public hearing at 7:36 p.m.

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#### **COMMITTEE APPOINTMENTS.**

At 7:38 p.m., Chairman Cuevas reconvened the regular meeting and Administrator King reviewed committee recommendations.

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; KYGER - ABSENT; WOLFE-GARRISON - AYE; the Board made the following committee appointments:

- 1) Recommended Michael Harvey (District 4) for appointment by the Circuit Court to the Board of Zoning Appeals for a term to expire June 30, 2023;
- 2) Appointed Rhonda Cooper and Kim Sandum to the Central Shenandoah Planning District Commission, with both terms ending June 30, 2021;
- 3) Appointed Peter Barlow (District 2) on the Community Services Board for a term to expire June 30, 2021;
- 4) Appointed Casey Armstrong to serve as Ex-officio member for the Economic Development Authority;

- 5) Appointed Lisa Perry to serve as member on the Harrisonburg-Rockingham Metropolitan Planning Organization Technical Advisory Committee;
- 6) Appointed Supervisor Breeden to the Rockingham Recreation Foundation, Inc. Board of Directors to fill an unexpired term ending December 31, 2019;
- 7) Appointed Casey Armstrong to serve as member on the Shenandoah Valley Partnership Board to fill an unexpired term ending June 30, 2019;
- 8) Appointed Casey Armstrong to serve as alternate on the Shenandoah Valley Workforce Investment Board;
- 9) Appointed Carrie Budd (at large member) on the Community Services Board for a term to expire June 30, 2021 (Deborah Bullis is reassigned as District 5 representative and no longer “at large member”).

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### **PUBLIC HEARING – ORDINANCE AMENDMENTS.**

Chairman Cuevas opened the public hearing at 7:42 p.m., and Ms. Stultz reviewed the following ordinance amendments:

- OA18-084 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-603. Special Uses to remove the findings of fact required by the Board of Supervisors in granting or denying special use permits.
- OA18-119 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-1003.02(a) and (b) Board of Supervisors hearing and action clarifying Board consideration on whether or not to grant a special use permit.

The Planning Commission recommended approval of both ordinance amendments on May 1, 2018.

Craig Baugher spoke in opposition. He voiced concern over the County eliminating the requirement that the Board no longer has to make expressed findings to permit special uses.

Chairman Cuevas commented that during his 29 years on the Board, rezoning requests and special use requests have been presented by staff to the Planning Commission and the Board and discussed openly during public meetings.

With no further comments received, Chairman Cuevas closed the public hearing at 7:48 p.m.

Supervisor Breeden motioned for approval of OA18-084 and OA18-119, seconded by Supervisor Chandler.

In response to Supervisor Wolfe-Garrison’s question as to whether the ordinance amendments are more restrictive or less restrictive than State code, County Attorney Miller stated that they are equally restrictive to the State code.

Carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendments:

**ORDINANCE REPEALING  
AND  
RE-ENACTING  
SECTION 17-603  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-603. "Special uses" be and hereby is repealed and re-enacted as follows:

**17-603. Special Uses.**

When, after review of an application and hearing thereon, in accordance with Article X, Procedures, special uses may be permitted with a special use permit. Supplemental standards apply as indicated.

This ordinance shall be effective from the 23<sup>rd</sup> day of May, 2018.

Adopted the 23<sup>rd</sup> day of May, 2018.

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**ORDINANCE REPEALING  
AND  
RE-ENACTING  
SECTION 17-1003.02(a) and (b)  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-1003.02 (a) and (b) "Board of supervisors hearing and action" be and hereby is repealed and re-enacted as follows:

17-1003.02 Board of supervisors hearing and action.

Section

- (a) When considering whether to grant a special use permit, the Board of Supervisors considers, among other issues;
- (1) good zoning practices and principles;
  - (2) compatibility with surrounding land uses;
  - (3) whether the proposed use is detrimental to the character of adjacent land;
  - (4) public convenience, necessity and interest;



- (5) the requirements of this chapter; and
- (6) the comprehensive plan.

(b) Reserved.

This ordinance shall be effective from the 23<sup>rd</sup> day of May, 2018.

Adopted the 23<sup>rd</sup> day of May, 2018.

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**RESOLUTION – ECONOMIC DEVELOPMENT ACCESS PROGRAM FUNDING.**

Assistant County Administrator Armstrong read a resolution regarding the development of the Shenandoah Valley Industrial Park South for the purpose of economic development and the County’s desire to assist.

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; KYGER - ABSENT; WOLFE-GARRISON – AYE; the Board adopted the following resolution:

**RESOLUTION  
BONDED PROJECT**

WHEREAS, Rockingham County desires to assist in the development of Shenandoah Valley Industrial Park South for the purpose of economic development located off of Cecil Wampler Road (Route 704) in the County; and

WHEREAS, this property is expected to be the site of a new private capital investment in land, building, and manufacturing equipment which will provide substantial employment; and

WHEREAS, the subject property has no access to a public street or highway and will require the construction of a new roadway to connect with Cecil Wampler Road; and

WHEREAS, the County hereby guarantees that the necessary environmental analysis, mitigation, fee simple right of way and utility relocations or adjustments, if necessary, for this project will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the County acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Department of Transportation; and

WHEREAS, the County hereby guarantees that all ineligible project costs and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation; and

WHEREAS, the County hereby acknowledges that the Virginia Department of Transportation’s Economic Development Access (EDA) Program may provide up to a maximum of \$650,000 for a project and requires matching funding, up to \$150,000, from Rockingham County for estimated eligible project costs over \$500,000, up to \$800,000; and

WHEREAS, the County guarantees that financing of all ineligible project costs, project costs exceeding the EDA Program project allocation, EDA Program required locality matching funds, if applicable, and all costs not justified by eligible capital outlay will be

provided from sources other than those administered by the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED: That the Rockingham County Board of Supervisors hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide an adequate road to this property; and

BE IT FURTHER RESOLVED: That the Rockingham County Board of Supervisors hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the Commonwealth Transportation Board's allocation less eligible capital outlay credit as determined by VDOT; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on tax map number 138-(A)- L14 within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request; and

BE IT FURTHER RESOLVED: That the County Administrator or his designee be authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure the funding in the maximum amount eligible under the Economic Development Access Program; and

BE IT FURTHER RESOLVED, the Rockingham County Board of Supervisors hereby requests that the new roadway so constructed will be added to and become a part of the secondary system of state highways pursuant to Section 33.2-1509, paragraph C., of the *Code of Virginia*.

Adopted this 23rd day of May, 2018

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**ADJOURNMENT.**

Chairman Cuevas declared the meeting adjourned at 7:56 p.m.

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Chairman