

July 25, 2018

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

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

Also present:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- PATRICIA D. DAVIDSON, Director of Finance
- RHONDA H. COOPER, Deputy Director of Community Development
- KELLY S. GETZ, Code Compliance Officer
- 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 Wolfe-Garrison gave the Invocation and 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 July 11, 2018.

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RESOLUTION – HONORING ELIZABETH “LIBBY” CUSTER.

Chairman Cuevas provided remarks honoring Elizabeth “Libby” Wampler Custer for her many contributions to the community. He stated that Ms. Custer, having been a citizen of the County for 105 years, has touched many lives. He acknowledged those in attendance to honor Ms. Custer, including family, friends, and members of the Rockingham County Fair Association.

Administrator King read the following resolution:

RESOLUTION

WHEREAS, Elizabeth “Libby” Wampler Custer was born March 27, 1913, in Dayton, Virginia to Charles Wampler Sr. and Sadie Zigler Wampler; and

WHEREAS, after attending Dayton High School, Libby spent her early life involved in the Wampler family’s farming and poultry business, Wampler Foods, Inc., before attending Juniata College in Huntington, Pennsylvania; and

WHEREAS, on October 12, 1934, Libby married Harry Lawson Custer, and had three children, Kay, Stephen and Judy; and

WHEREAS, in 1935, Libby began her lifelong study of art, with her artwork being displayed in 2007 by the Harrisonburg-Rockingham Historical Society; and

WHEREAS, in 1947, along with her husband Harry, Libby established H.L. Custer Poultry, a turkey processing company, on their farm in Hinton, Virginia, which would later grow into Virginia Valley Processors, Inc. and developed the “Valley Star” turkey brand in the United States turkey market; and

WHEREAS, Virginia Valley Processors, Inc. merged with Wampler Feed and Seed in 1969, becoming the Wampler Foods Processing Division, which continues to operate today as one of the most modern plants in the United States as Virginia Poultry Growers Cooperative, LLC’s processing plant; and

WHEREAS, as a founding member and organizer of the first Rockingham County Fair in 1949, Libby’s impact on the agricultural industry is unparalleled; and

WHEREAS, through the years, and well past her 100th birthday, Libby continued to lead by example in service to her community through her motivational speeches entitled, “Get up, dress up and show up”; and

WHEREAS, at the age of 105, Libby continues to be an inspiration to her family, friends, and the entire community.

NOW, THEREFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors does hereby express its great appreciation and gratitude to Elizabeth “Libby” Wampler Custer for her many contributions to Harrisonburg and Rockingham County, which have helped to make our community strong and vibrant; and

BE IT FURTHER RESOLVED that the Board of Supervisors expresses its sincere wishes to her for her continued good health in the coming years.

On motion by Supervisor Wolfe-Garrison, 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 adopted the Resolution and presented Ms. Custer with a framed copy.

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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.

A citizen information meeting concerning bicycle and buggy lanes for the Town of Dayton was held last week, which Mr. Komara said was well attended. Feedback revealed that Garbers Church Road (Route 726) is the preferred route for the biking and buggy community rather than the curb and gutter section along John Wayland Highway (Route 42).

Mr. Komara announced that a citizen informational meeting will be held on July 26, 2018, from 4 to 7 p.m. at Turner Ashby High School, regarding the realignment of Oakwood Drive (Route 704) and Cecil Wampler Road (Route 704), and converting South Valley Pike (Route 11) into a four-lane, divided highway. Mr. Komara pointed out that a signal will be used at the intersection. He said a Restricted Crossing U-turn (RCUT) design will be used for crossovers along the four-lane divided highway on Route 11, to the City limits. The RCUT design restricts left turns when exiting businesses, so that vehicles begin with a right turn and make a U-turn at a crossover. He explained that the RCUT design is a new alternate intersection concept being used because of its improved safety and efficiency.

Administrator King noted that staff is not in favor of the RCUT design. He said there is a balance of safety versus convenience and the RCUT sacrifices convenience to a level that will negatively impact some businesses in that location more than necessary. He indicated Ms. Cooper will attend the meeting on July 26, 2018, to express the County’s concern. He also mentioned that businesses which may be impacted were invited to attend.

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

Supervisor Chandler mentioned that mowing is needed at the intersection of Spotswood Trail (Route 33) and Massanetta Springs Road (Route 687) across from the cemetery. He also asked that speed limit signs be cleared of hanging brush and limbs.

Supervisor Wolfe-Garrison reminded VDOT of the need for rocks on Swope Road (Route 736). She said there are gaps where the rain washed the rock away.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Administrator King’s staff report dated July 20, 2018.

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; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to proceed with the necessary procedure to adjust the Aircraft Tax rate to \$0.44 per \$100 of valuation.

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COUNTY ATTORNEY’S STAFF REPORT.

County Attorney Miller reported that staff held a work session at 3:30 p.m., to present information regarding land use policy in the County and to provide information related to several rezoning requests before the Board. County Attorney Miller pointed out that members of the public were present, as were the Board of Supervisors, Planning Commission, School Superintendent, the Fire & Rescue Chief, Sheriff’s Office personnel, and Virginia Department of Transportation staff. County Attorney Miller indicated the presentation will be available on the County’s webpage for review.

(A copy of the work session documents, “2018 Rockingham County Today and Tomorrow” is included in the “Attachments – Board of Supervisors Minutes” notebook maintained in Administration.)

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ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s Community Development staff report dated July 25, 2018.

Assistant County Administrator Armstrong addressed a request to secure funding sought through the Virginia Department of Rail and Public Transit Program to assist with the development of Shenandoah Valley Industrial Park for economic development purposes.

On motion by Supervisor Kyger, 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 staff to apply for a grant through the Virginia Department of Rail and Public Transit Program as outlined in the following resolution:

**Resolution
Rail Access Project**

WHEREAS, Rockingham County desires to assist in the development of Shenandoah Valley Industrial Park South for the purpose of rail access for 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 property currently has no access to a rail system and requires the construction of a new rail spur to connect with the Shenandoah Valley Railroad; 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 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 acknowledges that the Virginia Department of Rail and Public Transit Program may provide \$300,000 unmatched funds and up to a maximum of \$150,000 of funds matched dollar for dollar with Rockingham County for a total of \$600,000; and

WHEREAS, the County hereby guarantees that all ineligible project costs 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 Rail Access Program funding to provide adequate rail service to this industrial facility; 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 sought through the Rail Access Program.

Ms. Cooper addressed a request by Stonewall Investments to waive public hearing procedures concerning their request to amend proffers related to the proposed on-site road and the location and timing of the proposed vegetative screen, as they do not affect use or density.

On motion by Supervisor Kyger, seconded by Supervisor Breedon, 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, pursuant to Virginia Code Section 15.2-2302, waived public hearing on a proposed rezoning of

Stonewall Investors (Binkley and Hurst) to amend proffers concerning details of the proposed on-site road and the location and timing of the proposed vegetative screen, as they do not affect use or density.

County Administrator King recognized Assistant County Administrator Casey Armstrong and Economic Development and Tourism Coordinator Joshua Gooden for arranging and taking part in meetings with local businesses. He emphasized the importance of building these relationships, pointing out that 80 percent of economic development is attained through local business and industry.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated July 18, 2018.

Mrs. Davidson reported that one bid was received for the repair of the “HySecurity” entrance gate located at the Harrisonburg/Rockingham Regional Jail and Sheriff’s Department. She stated that the Public Works and Finance departments recommend awarding the bid to Mid Atlantic Entry Systems, Inc., in the amount of \$42,743.60.

On behalf of the Finance Committee, on motion by Supervisor Breeden, 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 staff to enter into a contract with Mid Atlantic Entry Systems, Inc. to repair the HySecurity entrance gate at the Jail and Sheriff’s Department for \$42,743.60.

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COMMITTEE REPORTS.

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

FINANCE

On behalf of the Finance Committee, 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; KYGER - AYE; WOLFE-GARRISON – AYE; the Board approved the following 2018-2019 Supplemental Appropriation:

Cash Proffers

According to the accounting records, staff received \$236,500 in cash proffers since FY11. Staff communicated to the Commission on Local Government that \$3,500 was spent in FY12 (\$1,750 on Schools and \$1,750 on Fire and Rescue). There are no accounting records to support such expenditure although the funds were spent on capital items for that purpose.

Based on the research performed with the assistance of Community Development, \$75,000 was specific to purchase a ladder truck for the Stone Spring Road area and \$7,500 was specific to training of fire and rescue employees. General proffers received were \$3,500 per house and were designated to go toward education and public safety.

The appropriation below covers the above requirements:

Port Road Fire Station – Ladder Truck - \$75,000
(Specific Proffer - Must be spent by January, 2028)

Port Road Fire Station – Capital Project - \$77,000
School Capital Project (Spotswood Division) - \$77,000
Fire and Rescue – Training - \$7,500

The accounts required are:

\$75,000	1101-09401-00000-000-508004-000	Ladder Truck – Port Road Fire Station
\$77,000	1101-09401-00000-000-508388-000	Port Road Fire Station
\$77,000	2103-00000-00000-000-608000-000	School Capital Project
\$ 7,500	1001-03201-00000-000-505504-000	Fire and Rescue Professional Development

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Kyger indicated the next meeting will likely to be rescheduled to October 15, 2018, with a location to be determined.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger provided a written report detailing the 2018 NACo Conference he and Administrator King attended July 13-16.

He also brought attention to several upcoming meetings:

- VACo County Officials’ Summit – August 16, 2018
- VACo 84th Annual Conference – November 11-13, 2018
- National Legislative Conference – March 2-6, 2019
- NACo Annual Conference – July 12-15, 2019

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CLOSED MEETING.

On motion by Supervisor Kyger , 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 6:36 p.m. to 6:47 p.m., for a closed meeting pursuant to 2.2-3711.A (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.

MOTION: SUPERVISOR KYGER RESOLUTION NO: 18-15
SECOND: SUPERVISOR CHANDLER MEETING DATE: July 25, 2018

CERTIFICATION OF CLOSED MEETING

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

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

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

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

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COMMITTEE APPOINTMENTS.

Chairman Cuevas reconvened the regular meeting at 6:47 p.m.

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; KYGER – AYE; WOLFE-GARRISON – AYE; the Board made the following appointments:

- 1) Appointed Jeff Stapel to represent the County on the Shenandoah Valley Workforce Development Board (private sector seat) with a term to expire June 30, 2022;
- 2) Appointed Andrew Breeding to represent the County on the Shenandoah Valley Workforce Development Board (private sector seat) with a term to expire June 30, 2022.

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RECESS.

The Board recessed the meeting at 6:48 p.m.

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PUBLIC HEARING – CONTINUATION OF SPECIAL USE PERMIT PUBLIC HEARING FROM JULY 11, 2018.

Chairman Cuevas opened the public hearing at 7:00 p.m., a continuation of the public hearing from July 11, 2018, concerning SUP18-160. He pointed out that the public hearing was continued to allow for comments from those who may not have been properly notified.

Ms. Stultz briefly re-reviewed SUP18-160 of Frieden Farms, LLC, PO Box 183, Mt. Crawford, VA 22841, for an addition to event venues to allow additional places on the farm where events may be held outdoors and for an addition to the event center on two properties located on the east side of Cross Keys Road (Route 276) across from Friedens Church Road (Route 682) and property located on the southwest side of Friedens Church Road (Route 682) and Cross Keys Road (Route 276), Election District #3, zoned A-2 (Prime Agricultural). Tax Map # 139-(A)-55A, #139-(A)-168 and #139-(A)-45. Property addresses: 4771 and 4643 Cross Keys Road and 4624 Friedens Church Road.

Ms. Stultz reported that the property totals 265 acres. The applicant wishes to use approximately five acres for events; however, Ms. Stultz indicated the drawings do not specify the event locations on the property. If approved, she suggested the Board designate specific locations. The applicant submitted a letter of conditions, which Ms. Stultz provided to the Board. She pointed out that if approved, VDOT will require entrances to be upgraded, along with a site plan detailing how multiple locations will be used and when. Ms. Stultz provided the Board with correspondence, including letters in favor and in opposition to the request, and a petition of opposition with 45 signatures.

Chairman Cuevas opened the floor for anyone who had not had the opportunity to address the Board on July 11, 2018.

Anita Riggleman spoke in favor of the request. She indicated her property is closest to the Beam's property and stated that they have always been good neighbors. Ms. Riggleman said she visited the property with Mr. Beam and he pointed out the various locations where ceremonies would be held. She said Mr. Beam indicated events would end by 10 or 11 o'clock.

David Mackert, resident of 4547 Cross Keys Road, expressed several concerns including excavation of the land, water flow, environmental issues, the amount of trash generated, noise concerns and the fact that there are no specifications on the number of attendees. Mr. Mackert said he enjoys the serenity of his property and stated that his life will be changed by the noise of events and increased traffic.

H. Douglas Hurst spoke in favor of the request. He said he realizes changes are coming to the Valley and values families that care enough about their land to continue to farm and try to find another way to generate income.

Joseph Barrett, property owner of 5006 Cross Keys Road, asked the Board to consider the request. Mr. Barrett, a Veteran, said there is too much animosity in the Country today, and expressed that requests for events such as this should not be looked down upon.

James Barrett, resident of 4912 Cross Keys Road, spoke in favor of the request. He stated that he has known Mr. Beam for over 10 years and has gotten to know the family well. They are people of great character, take very good care of their land, and are very concerned about the condition of their land, he said. Mr. Barrett stated that he does not have any concerns related to traffic or whether the property will be maintained properly.

Dana Dever spoke in favor of the request, stating that his farm borders the Beam's property. He said he supports any effort to keep a farm, as he has seen too many farms be sold for development. The Beams are excellent neighbors, and he stated that he feels it is in his best interest to have events on the farm rather than the type of development and congestion that has occurred near Massanetta Springs and Reservoir Street.

Susan Mansfield spoke in opposition to the request. She stated that she is very concerned about the noise generated from the events, as she already deals with the noise from Cross Keys Vineyard. She expressed her concern that there are no boundaries related to hours of operation, days of the week, or to the number of events allowed. She stated that a request from one family will change the entire neighborhood.

Gary Bennington spoke in favor of the request. He stated that he has lived in the community for over 40 years, and said he has not seen a group of people take better care of a farm than the Beam family. He commended them for their efforts, at their own expense, to mow and maintain areas along Friedens Church Road. He said he understands the need for farmers to diversify in order to generate an income, and feels like a low impact request such as this is appropriate.

Celia Wright expressed her concern for an event center in this location. She questioned what will be done about the additional traffic. She said her mother lives along Cross Keys Road and she is afraid the additional traffic will require the road to be widened, causing her mother to lose her home. Ms. Wright expressed concerns about the event center impacting water quality, and creating increased noise and garbage.

Rick LaPrevotte, resident of 4067 Cross Keys Road, spoke in opposition to the request. He expressed concern over the uncertainty of what is being requested. Mr. LaPrevotte stated that granting permission for outdoor open air venues in three locations is not compatible with the community or the historical battlefields adjoining the properties. He pointed out that there are already three other venues within five miles of the property, and stated that three more in this location are not needed.

Jane Cline spoke in opposition related to her concern of increased traffic. She also expressed her love of the Valley and her desire for the land to remain as it is. Ms. Cline

indicated she hopes the applicant can find another way to generate income to prevent the Valley from changing any more.

With no further comments from the public, Mr. Beam addressed the Board. He indicated he was aware of misinformation that had been distributed to several neighbors and provided the following information for clarification.

Mr. Beam specified that there is only one bed and breakfast on the property and no others are in the request. He said there is no request for a farmers market or multiple markets, nor is there a request for construction of an event center building. The request included an addition to the existing machine shed for restrooms and a dressing area, but he pointed out that the machine shed will remain in use.

He said the event locations are designated in the application and are requested for ceremony locations. He said there is no request for permanent seating, as folding chairs will be used. Mr. Beam said a tent will be offered in the case of bad weather. He also stated he is very aware that two of the Beam farms border the Civil War Battlefield and are located within the Agricultural Forestal District. He emphasized that nothing will change on the farms, no pollution and no runoff. Related to traffic, Mr. Beam remarked that most traffic occurs during the morning and evening commute on weekdays. He said there is nowhere near the same amount of traffic on Saturday afternoons.

Chairman Cuevas expressed his appreciation to the public for being respectful to one another. He closed the public hearing at 7:54 p.m.

Supervisor Chandler commended the public's patience and understanding for the mailing mix up of the public notice. He conveyed his intent to visit the property and to be as thorough and deliberate as possible when considering the request.

On motion by Supervisor Chandler, 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 tabled SUP18-160 Frieden Farms, LLC, PO Box 183, Mt. Crawford, VA 22841 for addition to event venues to allow additional places on farm where events may be held on two properties located on the east side of Cross Keys Road (Route 276) across from Friedens Church Road (Route 682) and one property located on the southwest side of Friedens Church Road (Route 682) and Cross Keys Road (Route 276), Election District #3, zoned A-2 (Prime Agricultural). Tax Map # 139-(A)-55A, #139-(A)-168 and #139-(A)-45. Property addresses: 4771 and 4643 Cross Keys Road and 4624 Friedens Church Road.

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ADJOURNMENT.

Chairman Cuevas declared the meeting adjourned at 7:58 p.m.

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Chairman