

September 12, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, September 12, 2018, at 3:00 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:

- BRYAN F. HUTCHESON, Sheriff
- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- PATRICIA D. DAVIDSON, Director of Finance
- KIRBY W. DEAN, Director of Parks & Recreation
- ANN MARIE FREEMAN, Director of Court Services
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- CELEST D. WILLIAMS, Director of Social Services
- RHONDA H. COOPER, Deputy Director of Community Development
- BRADFORD R. DYJAK, Director of Planning
- 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 3:00 p.m.

Supervisor Breeden provided the Invocation and Finance Director Davidson led the Pledge of Allegiance.

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INTRODUCTION OF STUDENTS.

Students from Eastern Mennonite High School and James Madison University introduced themselves to the Board.

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APPROVAL OF MINUTES.

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 approved the minutes of the regular meeting of August 22, 2018.

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TRANSPORTATION DEPARTMENT.

Mr. Komara introduced Alex Price, Location and Design engineer for the Salem District, who is currently cross training with Josh Dunlap.

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

Mr. Komara brought attention to the slurry seal application on Harpine Highway (Route 42) from Broadway to Harrisonburg, indicating Board members may receive comments related to the roughness of that portion of Route 42. He said a slurry seal treatment was applied to extend the life of the pavement that had cracked, which can temporarily create a rougher ride until the gravels move off the road. VDOT rates pavement conditions every year to determine the best type of treatment to extend the life of roads. Mr. Komara pointed out slurry seal treatments save a significant amount of money and extend a roadway’s life by 5-7 years.

Related to the East Point Road/Maryland Avenue (Route 602) bridge work, Mr. Komara said repairs will be made to the pavement under the box culvert while the bridge is closed. There will be several weekend closures during October until the work is complete.

Advertisement for Lairs Run Road (Route 921) will occur in late 2018; and the Smithland Road (Route 720) project advertisement is scheduled for 2020.

Maintenance items included opening pipes, preparing for high water, drainage work, mowing, and stockpiling stone. With anticipated bad weather and high water, Mr. Komara emphasized how easy it is to underestimate the power of water. He reminded everyone, “if you cannot see through the water, do not drive through it.” He also urged everyone to be extra cautious of downed power lines and trees.

Supervisor Kyger requested mowing the median on John Wayland Highway (Route 42) between Dayton and Bridgewater, and along Dinkel Avenue (Route 257) to Interstate 81.

Supervisor Chandler expressed appreciation to VDOT for filling holes along Indian Trail Road (Route 717). He also mentioned that just south of the South River Bridge in Port Republic, an uprooted tree across the river could potentially create issues if flooding occurs.

Supervisor Breeden pointed out two areas of concern, especially with anticipated heavy rain. He said the catch basin for the new subdivision on Island Ford Road (Route 649) is full; pointing out that the water will be in the road with additional rain. Assistant County Administrator Armstrong indicated staff will look into the issue. Second, Supervisor Breeden noted that a large tree is hanging over the road and utility lines on Captain Yancey Road (Route 642).

In response to a question from Supervisor Wolfe-Garrison, Mr. Komara indicated staff is awaiting an environmental permit before proceeding with improvements to the hard surface section of Swope Road (Route 736). He said staff will continue to maintain the non-hard surface section as they have, and will keep a close eye on it, due to the large amount of drainage in that area.

With impending weather, Supervisor Wolfe-Garrison asked VDOT to help keep the drainage culverts located in front of the Walmart on John Wayland Highway (Route 42) clear of debris. Also, in preparation for the Autumn Festival in Dayton during the first weekend in

October, she asked for the area to be mowed well, since there will be an influx in traffic and parking on Route 42.

Chairman Cuevas expressed appreciation to VDOT staff and first responders, and wished them well in the coming days with the approaching hurricane. He stated how fortunate the County is to have such a good group of people doing a great job.

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REPORT – MEDICAID EXPANSION.

Celest D. Williams, Director of Social Services, presented the Board with a brief overview regarding Medicaid expansion, which goes into effect January 1, 2019. She explained that Medicaid is full coverage medical care, including doctor, hospital, and emergency services, prescription drugs, laboratory and X-ray services, addiction and recovery treatment, wellness visits and transportation services. Mrs. Williams reported that in 2017, there were 22,307 Medicaid recipients in the City and County, who received a total of \$109,829,772 in medical care. She pointed out that children (0-17 years) are the largest group receiving services.

The expansion of Medicaid will increase access to health care for 400,000 Virginians, with over 6,900 new clients anticipated in Harrisonburg and Rockingham County. Mrs. Williams said that although approximately 6,900 more individuals are expected to receive care; staff is preparing to receive 12,000 new applications. Newly eligible individuals will include adults with no children earning an income at or below \$16,754, a parent with a family of three earning at or below \$28,677, and disabled persons earning an annual income at or below \$16,754.

Mrs. Williams reported that the Virginia Department of Social Services allocated \$21.5 million for 300 new positions. Funding for each locality was determined using three factors: 1) current funding versus current workload; 2) projected increase of workload due to Medicaid expansion; and 3) staff and operations funding by locality. The Harrisonburg-Rockingham Social Services District (HRSSD) ranked 11 out of 120 localities. HRSSD received \$397,108 with no local match required this year. Fiscal Year 2019-2020 will require a 15.5 percent local match of \$61,552. The funds cover six new workers, one new supervisor and office supplies.

In response to a question from Supervisor Wolfe-Garrison, Mrs. Williams indicated new hires providing Medicaid and Supplemental Nutrition Assistance Program (SNAP) services typically receive nine months of training. Social Services Director Williams noted that there is a 45-day policy requirement for processing Medicaid applications. In January 2017, 18 to 21 percent of cases fell outside the 45-day maximum. She was proud to announce that through team work, accountability, training, clerical support, and incentives, by March of 2018, staff reduced the number of cases exceeding the mark to one percent. Social Services Director Williams stated that although maintaining the mark after the expansion may be a challenge, HRSSD is prepared.

Chairman Cuevas expressed appreciation to Mrs. Williams and HRSSD staff for their hard work providing services to citizens in the City and County.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Administrator King’s staff report dated September 7, 2018.

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 instructed staff to advertise a public hearing for September 26, 2018, to receive public comment for the following two items:

- 1) To increase the transient occupancy tax rate from two percent (2%) to five percent (5%) and to clarify that the transient occupancy tax applies to the short term rental of residential properties, whether a portion of, or the entire residential property is rented;
- 2) To reduce the tax rate for certain classifications of aircraft from three dollars per one hundred dollars of value to forty-four cents per one hundred dollars of value.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Economic Development and Community Development staff reports dated September 12, 2018.

Assistant County Administrator Armstrong reported that the Economic Development Department intends to purchase a 2017 Dodge Durango from Capital GMC Trucks. He pointed out that the funds are already budgeted and staff conferred with the Finance Committee. He mentioned that an existing vehicle for the department is out of commission and staff anticipates that vehicle will be placed on a future surplus list.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated September 5, 2018.

Mrs. Davison reported that staff is working with PBMares to develop a basic audit of all Fire and Rescue Stations in the County, beginning with calendar year 2018. The audits are set to take place in January or February of 2019. She noted that Chief Holloway has communicated with each station. The audits will focus on bank reconciliations, cash receipts, cash disbursements and internal control procedures.

Mrs. Davidson addressed proposed revisions to the County's Financial Policy and Investment Policy, along with the proposed inclusion of a Purchasing Card Policy in the Employee Handbook. She explained that revisions to the County's Financial Policy include an update directing readers to the County's stand-alone investment policy, rather than having an investment section in the Financial Policy. The update will also require annual calculations to better determine a true fund balance for both the solid waste fund and the water and sewer fund.

Proposed revisions to the Investment Policy include recommendations from PFM, the County's current investment advisor. Mrs. Davidson explained that the changes basically modify the County's policy so that it is more in line with the language of the State Code. Other changes will allow the County greater diversification and the best options for investing public funds safely and prudently.

In regard to the Purchasing Card Policy, staff intends to add the policy to the Employee Handbook. Mrs. Davidson said with a number of purchasing cards issued to staff, the policy governs the "good use" of purchasing cards and will reduce the risk of abuse.

Further, Mrs. Davidson pointed out that the recommended changes before the Board are in accordance with Government Finance Officers Association (GFOA) standards, were reviewed by PBMares, and have been discussed with the Finance Committee.

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:

- 1) Adopted the recommended updates to the Financial Policy Guidelines;
(A copy of which is attached to and made a part of these minutes)

- 2) Adopted the recommended updates to the Investment Policy;
(A copy of which is attached to and made a part of these minutes)
- 3) Adopted the Purchasing Card Policy to be included in the Employee Handbook;
(A copy of which is attached to and made a part of these minutes)
- 4) Declared the following items surplus to be disposed of through the public surplus auction website or to be discarded:

Items to Declare Surplus – September 2018

Description	Quantity
HP Design Jet Large Blotter Printer	1
Office Chairs	6
Metal Storage Cabinet	1
Wooden Chairs	2
Desks	3
Black Bookcase Shelf-Metal	1
Metal Lockers (set)	1
Plastic Chairs	14
Telephones	619
IP650 Double Side	3
Power Supplies	4
Floor Printer	1
Desk Chairs	2
Desks	3
Wooden 2 Door Cabinet	1
Alpha Smart Word Processors	3
10 Drawer Green Filing / Storage cabinet	1
Office Chairs	12
Thermal Recording Rolls (Paper)	21
3x4 Cork Board	2
2x3 White Board	1
5 Drawer/ 2 Door Credenza	1
Small Drawer Filing Cabinet	2
Red Office Chairs	2

Items to Discard – September 2018

Fingerprint Table	1
Printer Cart	1
Podium	1
Table	1
White Board	1

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated September 12, 2018.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated August 8, 2018.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated September 2018.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated September 2018.

Chief Holloway reported that negotiations are on-going with two companies for the replacement of the Bridgewater Volunteer Fire Department fire engine. The Board can expect a final recommendation before October 1, 2018.

Concerning impending weather from Hurricane Florence, Chief Holloway announced that the County has not declared a local emergency at this time. He emphasized that the forecast will continue to be monitored closely, and reported that emergency management staff are actively preparing for the storm and will declare a local disaster if necessary. Chief Holloway stated that the County is fortunate to have many of its own resources in place.

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PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated September 4, 2018.

Mr. Dean requested approval to accept the bid of \$142,750 from All Recreation, a playground distributor from Ashburn, Virginia, to provide installation of the playground at Rockingham Park at the Crossroads. He pointed out that \$100,000 of the cost for the playground will be donated by the Harrisonburg, Harrisonburg-Massanutten, Bridgewater, and Rockingham Rotary clubs. In exchange, the Rotary clubs will name the playground, receive sign recognition at the Park, and will be provided volunteer opportunities during installation. Mr. Dean noted the Board will have final approval of the playground name.

Finance Director Davidson pointed out that the \$100,000 donation will be gifted to the Rockingham Recreation Foundation, a 501c3 nonprofit organization. The other \$50,000 will be provided by the Capital Fund Balance.

On motion by Supervisor Chandler, 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 authorized staff to award the playground installation at the Rockingham Park at the Crossroads to All Recreation in the amount of \$142,750.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated September 12, 2018.

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COMMITTEE REPORTS.

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

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Kyger reported that the CCJB meeting will be held October 15, 2018, at 7 p.m. at James Madison University’s Memorial Hall. He said a representative from National Association of Counties and from the Thomas Jefferson Planning District will provide an informational presentation. Supervisor Kyger encouraged all Board members to attend.

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IMMIGRATION.

Chairman Cuevas recalled requests from organizations seeking different aspects of support in relation to immigration policy. He stated that immigration reform is a national issue requiring the Executive Branch to adopt policies. He suggested staff draft a letter to Congress urging them to expeditiously adopt a nonpartisan system that best serves national interest. Chairman Cuevas also emphasized the importance of the manner in which the United States monitors borders, so that localities have insight on how to prepare for the future, as it relates to government assistance and funding.

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 instructed staff to draft a letter urging Congress to expeditiously adopt a nonpartisan immigration system that best serves national interest.

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INTRODUCTION OF STUDENTS.

Students from Spotswood and Turner Ashby high schools introduced themselves to the Board.

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COMMITTEE REPORTS CONTINUED.

FINANCE

On motion by Supervisor Breedon, 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 supplemental appropriation:

Children’s Services Act

A supplemental appropriation in the amount of \$890,000 for the expenditures related to the Children’s Services Act for FY18.

Supplemental Appropriation: \$890,000

\$890,000	GL Code: 1225-00000-15101-000-351000-000	CSA: Transfer from General Fund
0		
\$890,000	GL Code: 1225-05318-10100-000-505714-000	CSA: Mandated Service Expenditure
0		
\$890,000	GL Code: 1001-09301-00000-000-509528-000	General Fund: Transfer to CSA
0		

\$890,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Reserve
0

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 approved the following supplemental appropriation:

School Radios

A supplemental appropriation in the amount of \$102,861 to upgrade 49 radios in the school system. The total cost of the upgrade is \$102,861. The Schools fund balance from the FY16-17 budget will be used to cover the cost.

Supplemental Appropriation: \$102,861

\$102,861	GL Code: 2103-64200-00000-923-606065-000	Minor Equipment
\$102,861	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund
\$102,861	GL Code: 1001-00000-15201-000-352000-000	General Fund Balance
\$102,861	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital

On motion by Supervisor Breeden, 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 approved the following supplemental appropriation:

Landfill Cell 5A

A supplemental appropriation in the amount of \$1,334,760. The Landfill Cell 5A is nearing completion and the original \$11 million loan was never fully appropriated to the budget.

Supplemental Appropriation: \$1,334,760

\$1,334,760	GL Code: 1411-04207-00000-000-505800-000	Contingency
\$1,334,760	GL Code: 1411-00000-15101-000-351410-000	Transfer from Solid Waste Fund
\$1,334,760	GL Code: 1410-09301-00000-000-509548-000	Transfer to Solid Waste Capital Fund
\$1,334,760	GL Code: 1410-00000-15201-000-352000-000	Fund Reserve

On motion by Supervisor Breeden, 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 approved the following supplemental appropriation:

Clerk of the Court

A supplemental appropriation in the amount of \$11,219 for item conservation. Funding will be provided by the Library of Virginia’s Item Conservation Grant (Agreement Number 2019FY-23). No local funding is required.

Supplemental Appropriation: \$11,219

\$11,219	GL Code: 1001-02106-10202-000-503109-000	Other Professional Services
\$11,219	GL Code: 1001-00000-12404-000-324180-000	Records Preservation Grant

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 supplemental appropriation:

Economic Development Grant

A supplemental appropriation in the amount of \$25,000 for the AFID Grant received for Showalter’s Orchard, otherwise known as Old Hill Cider. Funding was received from the state for this grant in the amount of \$25,000. The local match is \$25,000 and will be paid through the Economic Development Other Assistance fund.

Supplemental Appropriation: \$25,000

\$25,000 GL Code: 1001-08102-00000-000-505899-000 Economic Development: Other Assistance
 \$25,000 GL Code: 1001-00000-12404-000-324990-000 Other State Funds

On motion by Supervisor Breeden, 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 approved the following supplemental appropriation:

Burn Building – Fire & Rescue

A supplemental appropriation in the amount of \$50,000. The City and the County share a burn building in order to train personnel. The City received a grant from the Virginia Department of Fire Programs in the amount of \$480,000. The City and County are required to match \$50,000 each.

Supplemental Appropriation: \$50,000

\$50,000 GL Code: 1001-00000-15201-000-352000-000 General Fund Balance
 \$50,000 GL Code: 1001-03201-00000-000-506014-000 Fire & Rescue Other Operating Supplies

On motion by Supervisor Breeden, 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 approved the following supplemental appropriation:

Rockingham Park Playgrounds

A supplemental appropriation in the amount of \$150,000 for the construction of a playground at Rockingham Park at the Crossroads. Funding in the amount of \$100,000 is provided by the Rotary Clubs of Harrisonburg, Bridgewater, Harrisonburg-Massanutten and Rockingham. The amount required for the construction of the playground is \$150,000. Staff requests an appropriation from the County fund balance in the amount of \$50,000. Any proceeds from future fund raising efforts up to \$50,000 will go back to the County fund balance to reimburse.

Supplemental Appropriation: \$150,000

\$150,000 GL Code: 1101-09401-00000-000-508359-000 Rockingham Park
 \$50,000 GL Code: 1101-00000-15201-000-352000-000 Capital Fund Reserve

\$100,000 GL Code: 1101-00000-11899-000-318990-000 Capital Fund Misc. Revenue

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

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 appointed Bradford Dyjak to serve as member on the Harrisonburg-Rockingham Metropolitan Planning Organization Technical Advisory Committee and appointed Lisa Perry to serve as the alternate.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger was pleased to report that VACo will offer a discount prescription card program beginning in January 2019. He indicated that discount prescription cards will be made available to County residents, which will offer opportunities for prescription savings.

Supervisor Kyger reminded staff of the Annual VACo conference on November 11-13, 2018, at The Omni Homestead in Bath County, Virginia.

STORMWATER ADVISORY COMMITTEE

Supervisor Wolfe-Garrison reported that the Stormwater Advisory Committee has met twice in regard to stormwater management and flooding obligations the County may or may not undertake. The next meeting is scheduled for October 15, 2018, from 3-5 p.m. The committee will discuss how the County proceeds on identifying problem areas of stormwater flooding, surface flooding and stormwater management.

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RECESS.

At 4:55 p.m., Chairman Cuevas recessed the meeting for dinner.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:01 p.m., Chairman Cuevas opened the public hearing and explained the public hearing procedures.

Ms. Stultz reviewed the following special use permit requests:

SUP18-214 Sheldon J. Hartman, 5481 Klines Mill Road, Linville 22834 for a second residence on property located on the east side of Phillips Store Road (Route 619) approximately 1100' south of Old Sawmill Road (Route 809), Election District #1, zoned A-2 (General Agricultural). Tax Map #66-(A)-25. Property Address: 9778 Phillips Store Road.

Mr. Hartman was available for questions.

No one spoke regarding the request.

SUP18-217 GUS, LLC, 63649 Rawley Pike, Hinton 22831 for 90' diameter grain bin (148' tall) at existing feed mill on property located on the north side of Buttermilk Creek Road (Route 765) approximately 2300' west of Kratzer

Road (Route 753) at the deadend of Virginia Poultry Drive (Route 939), Election District #2, zoned A-2 (General Agricultural). Tax Map #79-(A)-103B. Property Address: 3955 Virginia Poultry Drive.

Ed Blackwell of Blackwell Engineering indicated Virginia Poultry Growers is in need of additional grain space. He said the company expanded their Hinton facility and their processes are growing. Mr. Blackwell stated that the new grain bin will be located beside the existing bin and will not be any taller than the existing bin.

In response to several questions from Supervisor Wolfe-Garrison, Mr. Blackwell explained that although the new grain bin will be constructed using metal rather than concrete, it will be designed by an engineer, will receive third party inspections and should not create a noise problem when being filled, opposed to a concrete bin.

No one spoke in opposition to the request.

Chairman Cuevas closed the public hearing at 6:17 p.m.

On behalf of Chairman Cuevas, 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, with the following conditions, approved SUP18-214 Sheldon Hartman 5481 Klines Mill Road, Linville 22834 for a second residence on property located on the east side of Phillips Store Road (Route 619) approximately 1100' south of Old Sawmill Road (Route 809), Election District #1, zoned A-2 (General Agricultural). Tax Map #66-(A)-25. Property Address: 9778 Phillips Store Road.

CONDITIONS:

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

On motion by Supervisor Wolfe-Garrison, 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, with the following conditions, approved SUP18-217 GUS, LLC, 63649 Rawley Pike, Hinton 22831 for 90' diameter grain bin (148' tall) at existing feed mill on property located on the north side of Buttermilk Creek Road (Route 765) approximately 2300' west of Kratzer Road (Route 753) at the deadend of Virginia Poultry Drive (Route 939), Election District #2, zoned A-2 (General Agricultural). Tax Map #79-(A)-103B. Property Address: 3955 Virginia Poultry Drive.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.

2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
4. If land disturbance for construction exceeds 10,000 square feet, a Land Disturbance Permit is required.
5. All requirements of the Rockingham County Fire Prevention Code shall be met.
6. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
7. This grain bin shall not exceed the height of the two existing grain bins.

At 6:19 p.m., Chairman Cuevas reopened the public hearing and Ms. Stultz reviewed the following special use request:

SUP18-178 New Energy Ventures, Inc./Endless Caverns Solar LLC, 611 NW 72nd Street, Miami, FL 33150 for a Solar PV electric farm on property located on the southwest side of Craney Island Road (Route 794) and Mountain Valley Road (Route 620), Election District #1, zoned A-1 (Prime Agricultural). Tax Map #54-(A)-57 and #54-(A)-61.

Ken Niemann, Vice President of Caden Energy, provided a presentation detailing the plans of the proposed 31.4MWac solar farm. He said the project would generate enough electricity to power over 6,500 single-family homes for one year. Currently, there is no buyer for the power; however, Mr. Niemann said the buyer could be Dominion Virginia Power or a third party purchaser. If approved, construction would begin late next year with the project being operational in mid-2020. Mr. Niemann indicated visual impacts would be minimized through vegetative buffers and landscaping approved by the County. He cited that solar panels are non-hazardous and do not leach materials into surface water if broken, panels absorb sunlight and therefore produce no glare, and are designed to withstand winds of 125 miles per hour. Once construction is complete, Mr. Niemann indicated there will be minimal traffic once or twice per month for routine equipment and grounds maintenance. It was noted that native, bee-pollinator friendly grasses will be planted as much as possible. He indicated that solar technology is highly proven, is not experimental and would be monitored at all times. Permit applications were filed with Dominion Virginia Power and notice was given to the Virginia Department of Environmental Quality (DEQ) pursuant to Virginia Regulation 9VAC15-60.

During construction an average of 60 persons would be employed, most likely being County residents. The total project capital cost is estimated to be \$45 million, providing rollback taxes of \$45,000 to the County. In addition to jobs and tax revenue, Mr. Niemann indicated this type of project may benefit the County by drawing high tech companies to do business here. Anticipated service life of the solar farm is 35 years. At the end of the project life all equipment will be removed and the land restored. Endless Caverns Solar will post a bond to secure removal of all equipment and restoration upon the end of the project, stated Mr. Niemann.

Nora Conley spoke in favor of the request. She and her husband own 243 acres of the property in the request. Mrs. Conley indicated her family is willing to lease their property for the proposed project for several reasons. She stated that her family has had previous positive experiences through leasing their property to Dominion Virginia Power, they trust Caden Energy- a Virginia owned Company which manages its own solar facilities opposed to selling them off after construction as other solar companies tend to do, and because they are confident the property will be respected and in top condition at the end of the lease.

Richard Virgil, owner of 111 acres of property leased by Caden Energy, also spoke in favor of the solar farm. He said that solar energy benefits everyone, not just a few, and is the way of the future. According to Mr. Virgil, investing in solar energy earns more than gas, coal and petroleum combined.

Several others spoke in favor of the proposed solar farm including Mary Dobis, Carollyn Oglesby, Watt Bradshaw, and Dan Smith. Their comments included remarks stating that a solar farm in the County could provide educational opportunities; solar panels are environmentally friendly, and solar energy is less expensive than other alternative energy sources.

In response to several questions, Zoning Administrator Stultz clarified that special use permits do not need renewal after a certain period of time.

In response to a question from Roberta Weller, Ken Niemann indicated the tallest structure on the property would be approximately eight feet tall.

Richard Anderson expressed several concerns related to the “unknowns” at this point. He pointed out that energy produced must also be stored somewhere. With the “end-user” being unknown, he said there is no way to know how and what the energy will be used for. He pointed out it would be helpful to know if the users of the power will be local.

Joni Lam spoke in opposition to the request. She said that she and her husband purchased a home overlooking the property in question for its views and agricultural setting. She said mass industrial solar use is not consistent with surrounding uses, is not compatible with the surrounding historical battlefield area, is not consistent with the Comprehensive Plan and could be detrimental to adjacent land. Additionally, she voiced that the solar farm would impact the material value of her home and decrease neighboring property values. Mrs. Lam also remarked that no buffer or trees can block the solar farm from the view of her home based on its location. She questioned whether the County plans to establish a utility scale solar facility development policy.

Dr. Paul Murphy spoke in opposition to the request. He lives close to the proposed location and stated that a solar farm is not a good fit for the historic area. He suggested an independent study be completed to determine the impact on neighboring property before granting approval.

Dennis Higgs spoke in opposition, citing concerns of water drainage issues and property views being affected.

Bonita Breck pointed out that she moved to this area for the smaller setting and stated that she has invested a lot of time and money in her home. She said lack of experience in the solar industry is concerning and questioned what will become of the facility if it does not remain operational for the next 25 years.

Walter McDaniel, Jr. questioned what will become of the cemetery on the property if the solar farm is approved. He indicated the cemetery is not visible to most because cattle have knocked over the headstones through the years.

Ms. Stultz took note of the comment, and pointed out that cemeteries may not be disturbed.

At 7:44 p.m., Chairman Cuevas closed the public hearing.

Chairman Cuevas expressed appreciation for everyone’s comments and cooperation during the public hearing. He noted his intent to table the request to allow time for the Board to visit other solar facilities in Virginia.

On behalf of Chairman Cuevas, 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 SUP18-178 New Energy Ventures, Inc./Endless Caverns Solar LLC, 611 NW 72nd Street, Miami, FL 33150 for a Solar PV electric farm on property located on the southwest side of Craney Island Road (Route 794) and Mountain Valley Road (Route 620), Election District #1, zoned A-1 (Prime Agricultural). Tax Map #54-(A)-57 and #54-(A)-61.

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RECESS.

Chairman Cuevas recessed the meeting at 7:50 p.m.

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PUBLIC HEARING – REZONING.

At 7:58 p.m., Chairman Cuevas reopened the public hearing and Director of Planning Dyjak reviewed the following rezoning request:

REZ18-191 Great Eastern Springston LLC, PO Box 6006, Charlottesville, VA, to rezone a 95-acre portion of a 318-acre parcel located on the south side of Massanutten Drive (private) approximately 1.3 miles west of Resort Drive (Route 644), from A2 (General Agricultural) to R4 (Planned Resort). The Comprehensive Plan identifies the area as Agricultural Reserve bordering the McGaheysville Urban Growth Area. Tax Map #128-(A)- L3.

The Planning Commission recommended approval by a 3-2 vote on August 7, 2018.

Mike Shiflet, Corporate Physical Plant Director for Great Eastern Resort, explained that the Springston property master plan amendment to add 140 units is a result of years of collaborative work with County staff and officials. Mr. Shiflet indicated construction would only occur on 30 percent of the Springston tract at its lowest elevations.

Mr. Shiflet described the units to be constructed as high-end single story residences with garages, using earth tone colors and roofs that will blend with the mountain setting. He noted that lighting will be minimized, tree clearing will be select to preserve as much buffer as possible, and only 15-18 units will be constructed each year. He went on to mention how the expansion will provide years of employment and local revenue for local citizens, and will provide substantial real estate taxes and tourism dollars for the County.

Craig George from Valley Engineering presented the Springston Viewshed Analysis, which examined the potential viewshed impact, assuming that a section of the Springston Tract is developed.

A copy of the The Springston Viewshed Analysis is included in the "Attachments – Board of Supervisors Minutes" notebook maintained in Administration

Steve Krohn, Chief Operating Officer and sole Trustee of Massanutten’s Employee Stock Ownership Plan, provided remarks and explained why in his opinion the rezoning should be approved. He stated that Massanutten is the largest private employer in the County, regularly maintaining a payroll in excess of 1,700 jobs. He reminded the Board that in 2015, Massanutten became 100 percent employee owned; pointing out that the Board’s decisions directly affects employees and their retirement savings. In order to ensure employees’ retirement security, Mr. Krohn said Massanutten must progress forward. He stated that the Springston project will add \$80 million in taxable real estate to the County, in addition to the \$8 million laundry facility recently constructed. The expansion will not generate a single student in the public system nor will it place demand on public utilities, he said. Mr. Krohn emphasized how hard staff has worked planning the project for over two years. He urged the Board not to delay a decision in

order to prevent a gap in construction projects for the Resort since the Regal Vista development will be completed at the end of the year.

Phillip Langgberg spoke in favor of the request. As a property owner and an employee of Great Eastern, he spoke highly of the Resort. He said Great Eastern always looks to find balance and their continued efforts to be a good neighbor makes him proud to say he is an employee of the Resort. He also remarked that he cannot comprehend how anyone could purchase a home on a resort property and not expect it to grow.

Massanutten resident Linda Hoover spoke in opposition and noted her concerns related to traffic congestion and water infrastructure issues. She indicated the Resort has only one emergency exit and is already experiencing traffic-related problems.

Liz Walker spoke on behalf of the Massanutten Board of Directors. She indicated the Board of Directors cannot offer full support without inclusion of turn lanes at the beginning of the Springston project. It is the fear of the Board that postponing turn lanes could put homeowners and the public in harm's way, she stated.

Gene Hauze provided a presentation citing the reasons he is strongly opposed to the rezoning request. In summary, his concerns included traffic problems, proposed location, and questions regarding the number of units currently approved for construction versus the number built to date. He highlighted other locations in the Resort where Board approval has already been granted and questioned why construction is not occurring in those locations. He said Great Eastern currently has over 2,900 units approved for construction, but have only built 1,600. He questioned why the County would consider rezoning property that is designated in the Comprehensive Plan as agricultural reserve until 2050, when construction can occur in Woodstone Meadows where there is adequate land, road and water infrastructure. Further, he stated that Massanutten Drive needs a turn lane and suggested the County consider reducing the speed limit to 35 miles per hour.

(A copy of Mr. Hauze's presentation is attached to and made a part of these minutes)

Barry Elwood echoed the concerns brought to light by Gene Hauze. He stated his biggest concern is the construction traffic and said accidents will occur without the addition of a turn lane.

Joseph Hensley spoke in opposition to the rezoning request. He provided photos of past and present flooding issues on his property as a result of Stony Run overflowing, and questioned what effects new construction will have on the existing drainage issues. He also expressed concerns over visibility of the units and the amount of added light.

David and Karen Husain each spoke in opposition. Mr. Husain provided a slide show and indicated that the evergreen trees will not provide an adequate buffer. He pointed out that the Comprehensive Plan does not designate this property for development. Mr. Husain stated that approval of this rezoning will be a "watershed" event and said that the rezoning requests will not stop. He also remarked that this will be the first time timeshares are connected to residences with no geographical barrier. Karen Husain read a letter written by her daughter, describing how approval of the rezoning request will affect her.

At 9:53 p.m., Chairman Cuevas closed the public hearing and expressed appreciation for the comments and concerns received.

Supervisor Breeden remarked that his decision boils down to the safety of the residents he represents in his district who live on the mountain and travel the roads every day, and the viewshed they are so proud of, the tax base to the County, and the employees of Great Eastern who may be affected. Supervisor Breeden disclosed his intent to table the request to a time certain of October 10, 2018, in order to meet with staff to review additional details.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a vote of 4 to 0 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS –

