

August 12, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 12, 2020, at 3:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia. The meeting was open to the public at reduced capacity and broadcast online, to reduce the spread of COVID-19.

The following members were present:

- BRENT V. TRUMBO, Election District #1
- SALLIE WOLFE-GARRISON, Election District #2
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

- BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- 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
- KELLY S. GETZ, Deputy 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
PLEDGE OF ALLEGIANCE
INVOCATION.**

Chairman Kyger called the meeting to order at 3:00 p.m.

Supervisor Wolfe-Garrison provided the invocation, and Administrator King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of July 15, 2020.

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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.

Concerning Interstate 81 improvements, Mr. Komara said information and updates could be found online at: improve81.org.

LTC MERRITT ‘BUD’ WALLS MEMORIAL BRIDGE

Chairman Kyger addressed a request to memorialize the bridge over the North River in Mount Crawford in memory of LTC Merritt ‘Bud’ Walls. Chairman Kyger spoke highly of LTC Walls and his many years of service to the community.

Mr. Komara reported that the bridge is within the town of Mount Crawford. He said if the Board grants approval of the request, the request will be forwarded to the Commonwealth Transportation Board for consideration. Mr. Komara noted that any associated costs will be the responsibility of the locality.

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

RESOLUTION

**LTC MERRITT ‘BUD’ WALLS
MEMORIAL BRIDGE**

WHEREAS, the Rockingham County Board of Supervisors desires that the bridge over the North River on State Secondary Route 727, Airport Road, in Rockingham County, Virginia be memorialized as “LTC Merritt ‘Bud’ Walls Memorial Bridge” in honor of his service to the Town of Mount Crawford.

NOW, THEREFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors does hereby request the Commonwealth Transportation Board to designate the above mentioned bridge over the North River on State Secondary Route 727 the “LTC Merritt ‘Bud’ Walls Memorial Bridge.”

BE IT FURTHER RESOLVED, that Rockingham County will assume the costs for the fabrication, installation, and maintenance of signs for this naming.

STREET ADDITIONS – OVERBROOK FARM SUBDIVISION PHASE 10

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

RESOLUTION

WHEREAS, the Overbrook Farm Subdivision Phase 10 has been completed; and

WHEREAS, the streets of Overbrook Farm Subdivision Phase 10 meet the public service criteria of the Secondary Street Acceptance Requirements; and

WHEREAS, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

STREET ADDITION TO ROUTE 926/SEGMENT ABANDONMENT OF ROUTE 917

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

RESOLUTION

WHEREAS, a portion of Route 917 has been realigned and a new segment constructed to standards equal to the Virginia Department of Transportation's Secondary Street Acceptance Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

NOW, THEREFORE, BE IT RESOLVED by the Rockingham County Board of Supervisors, that the old segment of Route 917 identified on the attached Form AM 4.3, is no longer needed as part of the Secondary System of State Highways, as the new road serves the same citizens as the old road, and is hereby requested to be abandoned by the Virginia Department of Transportation pursuant to §33.2-912, *Code of Virginia*, 1950 amended.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the new segment of Route 926 identified on the attached Form AM 4.3 as part of the Secondary System of State Highways, pursuant to §33.2-705, *Code of Virginia*, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED, the Rockingham County Board of Supervisors does hereby guarantee unencumbered rights-of-way plus the necessary easements for cuts, fills, and drainage for this added segment;

BE IT FURTHER RESOLVED, a copy of this resolution be forwarded to the Virginia Department of Transportation.

Supervisor Trumbo said there have been cones along the perimeter of the single-lane bridge on Early Road (Route 988) for about a month. Mr. Komara said he would find out why the cones are there and let Supervisor Trumbo know.

Supervisor Wolfe-Garrison inquired about bike and buggy lane cleaning on Erickson Avenue (Route 726) and John Wayland Highway (Route 42), and said the lanes still need attention. She also inquired if reflectors or rumble strips will be added to Route 33 West improvements, in order to designate lanes. Mr. Komara indicated the lanes will be designated, and said that rumble strips are added to all new primary roads.

Supervisor Chandler asked Mr. Komara to notify him before the traffic count occurs on Williams Road (Route 671). He reminded him to check into the possibility of adding speed bumps in Massanetta Springs near Shen Lake and look into the drainage issue in Lakewood Subdivision.

Chairman Kyger expressed appreciation to VDOT for graveling the entrance at Route 704 and South Valley Pike (Route 11). However, he said with all the truck traffic, the gravel was gone within a few days. He suggested using asphalt.

BLUE HOLE PROPERTY ON ROUTE 33 WEST

Chairman Kyger temporarily relinquished his position of Chair to Vice-Chair Chandler. He did so, as he stated he wanted to fully engage in discussion to address concerns of Blue Hole.

Supervisor Kyger stated that it is time for the Board to resolve the “Blue Hole” question and the issues that have surrounded the County’s ownership of that property dating back to Board discussions in 1982. He went on to explain that he recently received a phone call from a local trucking dispatcher, who said she had two truck drivers nearly hit a family unloading their vehicle at Blue Hole. Supervisor Kyger said he is aware of the significant history and beauty of Blue Hole, but emphasized that none of that is more important than a life. Mr. Kyger indicated one life was previously lost in that area of Route 33 West, which is one too many, he said.

Supervisor Kyger reviewed the history of the County’s involvement with this property as follows:

- The County’s property at Blue Hole consists of more or less 4.5 acres;
- This property was a “gift” from Bill Neff to the County in 1973, but the actual transfer did not take place until 1977;
- In 1982, the Board of Supervisors held a public hearing regarding the disposal of the property because it was an “attractive nuisance.” The Board solicited bids for the property, and after discussion on accepting the bids, the Board, upon receiving several private comments from citizens requesting that Blue Hole remain in County ownership, unanimously decided to reject all bids and retain the property;
- In 2007, the Board again discussed Blue Hole and the problems associated with the property. The Board held a Public Hearing on the matter on November 14, 2007, with trash accumulation and parking being the primary issues discussed. The consensus of the public who spoke at the hearing was for the County to retain ownership and keep the property open and accessible to the public;
- Following the tragic death of a motorcyclist in or around 2009, the Board placed “No Parking” signs along the County’s boundary on Route 33. Then County Administrator Joe Paxton offered several possible solutions for the ongoing problems at Blue Hole as follows:
 - Do nothing with the property and continue to incur costs to maintain and patrol the area, understanding that the problem will still be there;
 - Declare the property surplus and sell it. Though the property and its maintenance would switch from public to private responsibility, many of the same issues would remain;
 - Donate the property to adjoining landowners, but again, many of the issues with this property might remain and continue to burden local law enforcement;
 - Donate the property to a charitable organization or to a public trust such as the U.S. Forest Service or the Commonwealth of Virginia;
 - To seek to obtain an easement from nearby landowners to provide safe access and parking from down “in” Rawley to the swimming area. This may even require the purchase of additional land for parking;
 - Place a guardrail along U.S. 33 to prevent parking along that dangerous stretch of highway.
- In 2016, the Board was presented with a memo regarding Blue Hole from Administrator King that offered several questions, comments, and possible actions.

Supervisor Kyger stated that he did not sense a will of the Board to put forth valuable monetary resources to open Blue Hole as a full-fledged Park, and manage it as such. He said if the Board is not going to be whole in its ownership, the County should not own the property.

A new concern this particular year, from a public perception standpoint, is whether the County wants to be effectively facilitating the gathering of people, likely college students when they return. That issue alone warrants No Trespass posting before the students return, he said.

Supervisor Kyger read the following statement:

As one can well see, the Board of Supervisors, along with County staff and the public seem to have periodic discussions regarding the disposition of Blue Hole and the issues of public safety regarding this property, primarily, the parking issues associated with the lack of but one clear public access to Blue Hole. As the Supervisor that represents the area in which Blue Hole lies, I respectfully bring to the Board for action today the following to put into motion the processes by which the County can reasonably and responsibly dispose of its ownership of the Blue Hole property:

1. Ask VDOT to begin the process to add guardrail along the entire part of the County's boundary with U.S. Route 33 and until such time that the guardrail is in place, and thereafter, that the County ask VDOT to post and maintain, with County assistance, No Parking/Tow Away signs along that path; and,
2. In connection with the No Parking/Tow Away notices, the County continue to request the assistance of the Rockingham County Sheriff Department, the Virginia State Police, and the Virginia Department of Game and Inland Fisheries, to enforce the No Parking restrictions and give the authority to their officers to have any and all cars towed, at the owners expense, for violating the No Parking restrictions along U.S. Route 33; and,
3. Authorize the County Administrator, through any required procurement process, to hire a towing company to assist law enforcement and the County in the lawful management of any and all parking restrictions put into place; and,
4. The Board of Supervisors ask that all public roads in Rawley Springs proper be posted with No Parking/Tow Away signage and be treated the same as vehicles in violation of the parking restrictions along U.S. Route 33; and,
5. That the County within the next seven days, post the entire boundary of County property at Blue Hole with No Trespassing signage and request the above-mentioned law enforcement agencies to strictly enforce the No Trespass measure until otherwise notified by the Board of Supervisors; and,
6. The Board authorize the County Administrator and his staff to determine the proper division of the County's property at Blue Hole with all adjoining landowners such that the land can be "Gifted" and titled to such landowners at no expense to them; and,
7. If there are no adjoining landowners who wish to accept the County's offer of a gift, that the County's property remain posted indefinitely and thus remain closed to the public until such time, that a reasonable and responsible solution can be found to provide for the public's health and safety to and from the property, and while visiting and using this property.

Mr. Chairman, I bring this in the form of a motion.

Supervisor Breeden seconded the motion.

Supervisor Trumbo asked if the County had ever offered the property to the City for incorporation to Riven Rock Park. Mr. Trumbo said he would personally like the County to offer the property to the City before initiating step #6 and #7 listed above. He agreed that the safety issues need to be dealt with immediately, but said what happens to the property in the best interest of the community is the issue.

Staff could not recollect a time the property was ever offered to the City. Supervisor Kyger said he had no opposition to the suggestion, but pointed out that right-of-way would still need to be obtained for safe access. He said the County has been unsuccessful in obtaining right-of-way to the property in the past in order to provide safe parking and access other than U.S. Route 33.

Supervisor Wolfe-Garrison asked whether the Sheriff's Department had the capacity to enforce the safety recommendations presented.

Sheriff Hutcheson said the Sheriff's Department will do the best they can. He indicated there is increased enforcement at certain times already. In his opinion, engineering scenarios on U.S. Route 33 could be a problem versus enforcement. He explained that guardrail was considered in the past, which can create hazards for stalled vehicles and problems during snow removal.

Vice-Chairman Chandler said in his opinion, the County should not own the property and should have never owned the property.

Discussion ensued. Supervisor Trumbo recommended including the City in negotiations prior to negotiations with adjoining landowners. His recommendation was accepted as a friendly amendment to Supervisor Kyger's motion.

Carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board directed staff to proceed with the following actions:

1. Ask VDOT to begin the process to add guardrail along the entire part of the County's boundary with U.S. Route 33 and until such time that the guardrail is in place, and thereafter, that the County ask VDOT to post and maintain, with County assistance, No Parking/Tow Away signs along that path; and,
2. In connection with the No Parking/Tow Away notices, request the assistance of the Rockingham County Sheriff's Department, the Virginia State Police, and the Virginia Department of Game and Inland Fisheries, to enforce the No Parking restrictions and give the authority to their officers to have any and all cars towed, at the owners expense, for violating the No Parking restrictions along U.S. Route 33; and,
3. Through proper procurement process, hire a towing company to assist law enforcement and the County in the lawful management of any and all parking restrictions put into place; and,
4. Post all public roads in Rawley Springs proper with No Parking/Tow Away signage and treat them the same as vehicles in violation of the parking restrictions along U.S. Route 33; and,
5. Within the next seven days, post the entire boundary of County property at Blue Hole with No Trespassing signage and request the above mentioned law enforcement agencies to strictly enforce the No Trespass measure until otherwise notified by the Board of Supervisors; and,
6. Determine the proper division of the County's property at Blue Hole, beginning with the City of Harrisonburg, and then with all adjoining landowners such that the land can be "Gifted" and titled to such at no expense to them; and,
7. If the City or no adjoining landowners wish to accept the County's offer of a gift, that the County's property remain posted indefinitely and thus remain closed to the public until such time that a reasonable and responsible solution can be found to provide for the public's health and safety to and from the property, and while visiting and using this property.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated August 12, 2020.

Ms. Cooper recalled two Revenue Sharing applications, which the Board approved by a Resolution of Support on September 11, 2019. She said it is the recommendation of staff to rescind the Resolution withdrawing both applications.

Ms. Cooper explained that Revenue Sharing Project #5786, VA 253/VA276 Turn Lanes, would require a County commitment of \$750,000, if awarded. The expenditure of these funds would begin as early as 2021 and as late as 2023. Due to the high expense in uncertain times and a preference to use Revenue Sharing for secondary road projects, staff recommended withdrawing the application and applying for Smart Scale funds in 2021. Smart Scale funds do not require a match from the County.

Concerning Revenue Sharing Project #5790, Lake Shenandoah Watershed Culvert Improvements, Ms. Cooper reported that following further engineering study by the Timmons Group, the construction of the stormwater basin near Taylor Spring Lane is expected to eliminate the need for the downstream improvements proposed in the project. If this grant were awarded, the County's financial commitment would be \$805,000.

Supervisor Chandler recommended proceeding with the VA253/VA276 project. He explained that the project will address an on-going safety issue and he does not want to take a chance of delaying the improvements further. Supervisor Chandler agreed to withdraw the Lake Shenandoah Watershed Culvert Improvements, since the construction of a stormwater basin will eliminate the need.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board withdrew the Revenue Sharing Resolution of Support dated September 11, 2019, and authorized staff to submit the following Resolution of support using facsimile signatures:

**RESOLUTION
ENDORING THE SUBMISSION OF VDOT REVENUE SHARING
APPLICATION**

WHEREAS, the Board of Supervisors of Rockingham County has further reviewed the two Revenue Sharing applications endorsed by resolution on September 11, 2019: and

WHEREAS, the County remains committed to provide \$750,000 for Revenue Sharing Project #5786, VA 276 Cross Keys Road at VA 253 Port Republic Road Left Turn Lanes Installation, if awarded; and

WHEREAS, recent engineering conducted on behalf of the Lake Shenandoah Stormwater Control Authority has determined that a regional stormwater basin negates the need for Revenue Sharing Project #5790, Lake Shenandoah Watershed Culvert and Crossing Improvements (along Baybrook Drive, Berryfield Drive, and Shen Lake Drive).

NOW, THEREFORE, BE IT RESOLVED, that the County desires to retain its interest in Revenue Sharing Project #5786, while releasing Revenue Sharing Project #5790 from consideration by the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED that the Board of Supervisors of Rockingham County hereby restates the granting of authority for the County Administrator, or his designee, to execute all agreements and/or addendums for any approved revenue sharing project with the Virginia Department of Transportation.

TREASURER'S ANNUAL REPORT.

L. Todd Garber, Treasurer, presented the Board with a report of the County's annual tax collections, along with a summary of uncollectible and delinquent taxes. He reported that overall, the County had a very good year for collections. He said the first part of the year was a little challenging, with offices being closed from mid-March to June, but staff stepped up and handled business through phone and drop box transactions. Mr. Garber brought attention to page five of his report. As of June 30, 2020, 96.92 percent of real estate taxes due June 5, 2020 were collected. Mr. Garber pointed out that this is the highest collection percentage for the first half of the year in over 25 years.

Mr. Garber directed the Board's attention to the following tax collection reports:

In 2019, taxes collected were as follows:

	ASSESSED	PERCENTAGE COLLECTED
Real Estate & P.S. (1 st half)	\$ 30,386,245	98.82%
Real Estate & P.S. (2 nd half)	\$ 30,944,113	98.59%
Personal Property	\$ 23,740,368	98.46%
Public Service Personal Property	\$ 39,273	100.00%
Machinery & Tools	\$ 11,838,970	99.85%
Merchants Capital	\$ 1,497,691	99.49%
Mobile Homes	\$ 188,381	90.67%
Agriculture Equipment	\$ 539,795	99.35%
Late Filing Fees	\$ 137,148	95.50%
Recreational Vehicles	\$ 189,225	98.06%
Vehicle License Fees	\$ 1,372,734	96.28%
Aircraft	\$ 28,100	100.00%

TAX COLLECTION REPORT

As of June 30, 2020

REAL ESTATE

<u>Tax Year</u>	<u>Levy</u>	<u>Collected</u>	<u>Percentage Collected</u>
2019	\$ 61,330,358	\$ 60,536,048	98.70%
2018	\$ 60,064,818	\$ 59,582,064	99.20%
2017	\$ 57,914,444	\$ 57,681,723	99.60%
2016	\$ 54,021,558	\$ 53,987,031	99.77%
2015	\$ 50,942,504	\$ 50,858,709	99.84%
2014	\$ 47,708,894	\$ 47,647,502	99.87%
2013	\$ 46,936,670	\$ 46,886,747	99.89%
2012	\$ 46,482,372	\$ 46,440,399	99.91%
2011	\$ 43,079,159	\$ 43,044,949	99.92%
2010	\$ 42,681,849	\$ 42,656,249	99.94%
2009	\$ 40,521,624	\$ 40,502,355	99.95%
2008	\$ 39,673,316	\$ 39,657,851	99.96%
2007	\$ 37,034,243	\$ 37,021,733	99.97%
2006	\$ 35,745,399	\$ 35,734,748	99.97%
2005	\$ 29,946,179	\$ 29,939,942	99.98%
2004	\$ 28,868,123	\$ 28,861,616	99.98%
2003	\$ 28,107,841	\$ 28,101,860	99.98%
2002	\$ 27,256,839	\$ 27,253,037	99.99%
2001	\$ 23,851,274	\$ 23,846,962	99.98%

PERSONAL PROPERTY

<u>Tax Year</u>	<u>Levy</u>	<u>Collected</u>	<u>Percentage Collected</u>
2019	\$ 38,061,803	\$ 37,645,761	98.91%
2018	\$ 36,454,092	\$ 36,306,834	99.60%
2017	\$ 34,004,185	\$ 33,865,795	99.59%
2016	\$ 31,632,341	\$ 31,528,080	99.67%
2015	\$ 29,400,312	\$ 29,291,677	99.63%

Mr. Garber noted that the Treasurer’s Office collection policy has remained the same over the last several years, using the same forms of collections such as letters, DMV stops, collecting setoff debt from tax returns and phone calls. He reviewed delinquent real estate sale figures and discussed upcoming MUNIS software implementation for real estate and personal property.

In closing, Mr. Garber expressed appreciation to the Board, thanked them for their continued support, and requested acceptance of the report.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO; AYE; WOLFE-GARRISON – AYE; the Board accepted the Treasurer’s Annual Report of Tax Collections, and Uncollectible and Delinquent Taxes.

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PERSONAL PROPERTY TAX RELIEF.

Mr. Garber reported that the state provides the County \$5.8 million each year to provide tax relief for personal vehicles on personal property. The County must determine how to split the \$5.8 between all qualifying personal vehicles. After analyzing the Personal Property Tax relief numbers for 2019 and comparing them to past years’ results, it is staff’s recommendation to use 44 percent as the Personal Property Tax Relief percentage for 2020.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board set the Personal Property Tax Relief percentage for 2020 at 44 percent.

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HUMAN RESOURCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated August 12, 2020.

Mrs. Mongold brought attention to the Infectious Disease Preparedness and Response Plan Standards attached to her staff report. She explained that the Virginia Department of Labor and Industry (DOLI) approved Emergency Temporary Standards for Infectious Disease Prevention due to COVID-19; and is requiring all Virginia employers to meet the requirements of the standard. Mrs. Mongold briefly reviewed the standards and reported that they have been thoroughly vetted.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the Virginia OSHA COVID-19 Infectious Disease Preparedness and Response Plan Emergency Temporary Standards 16VAC25-220.

(The Virginia OSHA COVID-19 Infectious Disease Preparedness and Response Plan Emergency Temporary Standards 16VAC25-220 are attached to and made a part of these minutes)

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator King's staff report dated August 7, 2020.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated August 12, 2020.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated August 12, 2020.

Mrs. Davidson reported that the Economic Development Authority and the Small Business Grant Review Team recommended a second round of small business grants. She indicated the details along with revised eligibility criteria are included in the Finance staff report.

Second, she recommended an update to the Financial Policy of the County to include a section for Non-Tax Receivable Accounts. The new section in the Policy outlines when and how non-tax receivables can be written off if proven uncollectible.

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the Financial Policy revisions as presented.

(A copy of the revised Financial Policy is attached to and made a part of these minutes)

Mrs. Davidson mentioned the transfer of the Harrisonburg-Rockingham Social Services District's (HRSSD) Transportation Program to Valley Program for Aging Services (VPAS). Director of Social Services, Celest Williams, is working with VPAS to have the entire program transferred over by October 1. Mrs. Davidson said the transfer will be a budgetary savings for the County, but more importantly, it will be an improvement to the services provided. The County has not provided transportation services since March and the current transportation program employees are in the process of retiring. Mrs. Davidson indicated that the program needs more attention than HRSSD is able to provide. The term of the agreement is for five-years at \$75,000. Finance Director Davidson pointed out those funds are completely separate from any contributions the County provides to non-profit agencies. Administrator King noted that the County will retain the vehicles previously used by HRSSD for the Program.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated August 12, 2020.

Mr. Rhodes reported that staff requested and received approval in the current budget to purchase a new water-truck for the landfill. Staff only found one cooperative procurement source for the purchase, which was received from Hydroforce, Inc. Staff researched other purchasing options but were unsuccessful and recommended purchase of a Peterbilt Water-truck from Hydroforce, Inc. for \$138,308.46.

It was noted that the purchase will be funded by landfill tipping fees.

On behalf of the Public Works Committee, on motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to proceed with the purchase of a Peterbilt Water-truck from Hydroforce Inc., for \$138,308.46.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated August 2020.

Administrator King reported that staff has been talking with local broadband providers. He indicated some of those activities are in the queue to happen regardless of whether local funds are involved or not. He said it is the opinion of staff to allow further broadband discussions to continue at its own momentum. He said specific questions can be directed to Mrs. Perry.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated August 2020.

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PARKS AND RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated August 5, 2020.

Mr. Dean reported that he received a request from Rockingham County Public Schools (RCPS), asking Parks and Recreation staff to oversee a childcare program for County teachers with school-age children in grades two through five. He said the proposed program would be facilitated at each County high school, and would be supplemented with at least ten RCPS staff members at each location. The program would be self-funded, through fees charged to the parent/employee.

Supervisor Chandler asked for clarification as to why the County would be involved if Schools were providing the facilities and staff. Mr. Dean indicated that County staff would essentially be organizing and overseeing the details of the program.

In response to several questions, Mr. Dean said he currently only has five full-time staff members available for the childcare program. If the County offered this type of program to the public, it would only be able to serve twenty children. By collaborating with Schools, the program could potentially serve up to 200 children, he said.

Mr. Dean explained that Parks and Recreation staff will still offer the Afterschool Program at nine Elementary Schools, as they always have. Currently, the Afterschool Program will serve Pre-K through first grade, as those are the only grades attending in-person classes at this time.

Administrator King noted that if the program is approved, it could potentially be made available to County employees if space allows.

Chairman Kyger said questions will come up regarding the County offering a childcare program for its employees versus for the public. He stated that the private sector has a responsibility to their employees, just as the County has to its employees.

Supervisor Wolfe-Garrison clarified that teachers are not County employees; rather they are employees of Rockingham County Public Schools. She said it should be made

clear that decisions made concerning education do not lie with the Board of Supervisors. Supervisor Wolfe-Garrison stated that if the County has such responsibility to its employees, then the program should be offered to County employees in the manner it is proposed to be offered to teachers. She inquired about the application process and asked how staff will determine who is accepted.

Mr. Dean said the application process would occur in the same manner as other County-wide programs offered by Parks and Recreation. As with other programs, it is impossible to please everyone, he said. He stated that he believes providing services the highest number of kids possible is the best outcome.

Supervisor Wolfe-Garrison asked what the estimated fee will be. Mr. Dean said staff estimated a total program cost and applied a projected fee based on the lowest possible enrollment figures. He said, with that scenario, the cost to run the program would be covered entirely. Additionally, Mr. Dean reported that Assistant Superintendent of Schools Doug Alderfer said Schools will cover any shortfalls.

In response to Supervisor Wolfe-Garrison's question concerning the County's liability to protect children and ensure social distancing, County Attorney Miller indicated the liability is no different from that of the After School Program.

Supervisor Breeden said he can see where the private sector may be critical of a program offered solely to County employees, but said he is looking at the best possible outcome, and working with Schools will provide services to 200 students versus 20.

Discussion ensued. Chairman Kyger called for a motion.

On motion by Supervisor Breeden, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to proceed with a Childcare Program in collaboration with Rockingham County Schools (RCPS), offering childcare to County-wide employees for children in grades two through five.

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RECESS.

Chairman Kyger recessed the meeting at 5:18 p.m., for a meeting of the Lilly Subdivision Sanitary District.

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PUBLIC HEARING – SPECIAL USE PERMITS.

Chairman Kyger reconvened the regular meeting of the Board of Supervisors at 6:00 p.m., and opened the public hearing. Deputy Zoning Administrator Getz reviewed the following requests for special use permits:

SUP20-061 Justin L. Rodes, 5853 Lawyer Road, Port Republic 24471 for a 2000' x 90' private grass airstrip with a 40' x 20' hangar on property located on the east side of Lawyer Road (Route 655) approximately 1/2 mile east of Lynnwood Road (Route 708), Election District #5, zoned A-1. Tax Map #153-(A)-111. Property address: 5477 Holstein Lane.

The applicant was present.

No one spoke in opposition to the request.

In response to a question from Supervisor Breeden, the applicant indicated that the landing approach to the airstrip would be open in both directions.

SUP20-096 JJCarmen, LC by John Monger, 700 Imboden Road, Mt. Crawford 22841 for second residence on property located on the east side of Imboden Road (Route 990) approximately 1 mile east of Lee Highway (Route 11), Election District #4, zoned A-1. Tax Map #137-(A)-107. Property address: 1242 Imboden Road.

Mr. John Monger was present and available to answer questions.

No one spoke in opposition to the request.

SUP20-098 Matthew Koch, 4888 Foothills Lane, Keezletown 22832 for a small contractor's business on property located on the east side of Foothills Lane (private) approximately 1/2 mile south of Mini Ball Lane (Route 718), Election District #3, zoned A-2. Tax Map #111-(A)-102.

The applicant was present.

Paul Hutcheson asked if there will be a screening requirement to prevent visibility from the road.

The applicant responded, and indicated screening would be put in place.

Mr. Getz pointed out that a screening requirement could be added as a condition of the special use permit, if the Board desired.

Attorney Michael Sharp spoke in opposition to the request and asked for denial on behalf of Pierrick LeGoff (4717 Foothills Lane). Mr. Sharp indicated that Mr. LeGoff's property is directly across the street from the property in question. Mr. Sharp provided the Board with signatures and a letter of opposition. He stated that the proposed use is not compatible with existing neighborhood land uses and said that it would be detrimental to the nature and character of the neighborhood. Ten residences are on Foothills Lane and the road is used for residential use only. Twelve children are in the neighborhood and increased traffic is of concern. There is currently traffic coming in out of the facility, and visible heavy machinery and equipment. The operation is not consistent with the residential use of surrounding land. He stated that, if approved, the Board will open a door for further commercial activity in a residential neighborhood.

Bob Brown and Bryan Bosesly, both residents of Foothills Lane, also spoke in opposition to the request citing similar concerns as Mr. Sharp's client.

Chairman Kyger closed the public hearing at 6:20 p.m., and reconvened the regular meeting for consideration of the requests.

SUP20-061 JUSTIN L. RHODES

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP20-061 Justin L. Rodes, 5853 Lawyer Road, Port Republic 24471 for a 2000' x 90' private grass airstrip with a 40' x 20' hangar on property located on the east side of Lawyer Road (Route 655) approximately 1/2 mile east of Lynnwood Road (Route 708), Election District #5, zoned A-1. Tax Map #153-(A)-111. Property address: 5477 Holstein Lane.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Hangar shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. All Erosion and Sediment Control and Stormwater management regulations shall be met as needed.
4. All requirements of the Rockingham Fire Prevention Code shall be met.
5. Site plan requirements shall be met.

SUP20-096 JJCARMEN, LC BY JOHN MONGER

On behalf of Chairman Kyger, on motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP20-096 JJCarmen, LC by John Monger, 700 Imboden Road, Mt. Crawford 22841 for second residence on property located on the east side of Imboden Road (Route 990) approximately 1 mile east of Lee Highway (Route 11), Election District #4, zoned A-1. Tax Map #137-(A)-107. Property address: 1242 Imboden 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.
3. Residence shall not be occupied until a certificate of occupancy is issued.

SUP20-098 MATTHEW KOCH

Supervisor Chandler expressed his intent to table the request to allow time to look into several questions and concerns raised during the public hearing.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board tabled SUP20-098 Matthew Koch, 4888 Foothills Lane, Keezletown 22832 for a small contractor’s business on property located on the east side of Foothills Lane (private) approximately 1/2 mile south of Mini Ball Lane (Route 718), Election District #3, zoned A-2. Tax Map #111-(A)-102.

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PUBLIC HEARING – RESOLUTION ESTABLISHING THE MASSANUTTEN WATER AND SEWER AUTHORITY.

Chairman Kyger reconvened the regular meeting at 6:25 p.m., and County Attorney Miller reviewed a proposed resolution to establish the Massanutten Water and Sewer Authority.

Mr. Miller explained that the purpose of the Authority is to own, operate, and maintain a water and sewer system, for the area known as the Massanutten community, currently served by the Massanutten Public Service Corporation.

Mr. Miller said it is prudent to state that there are absolutely no promises as to what would happen to fees if the Authority is established and acquires ownership. County staff reasonably believe there will be cost savings, but do not know for sure. Mr. Miller said there is a very complex corporate structure above Massanutten Public Service Corporation, and every level of that structure has to be fed. The Authority would eliminate that structure and County staff would perform most of the work. It was noted that the County issued a Request for Proposals seeking engineering firms to determine what infrastructure exists, its value, and what capital improvements are necessary.

Supervisor Breeden pointed out that the Massanutten Property Owner's Association (MPOA) approached the County for assistance.

Supervisor Wolfe-Garrison asked if the County has the capacity to absorb the work. Administrator King indicated the County would employ individuals to do the work, in the same way the Public Works Department does for the County's other water and sewer systems.

Chairman Kyger opened the floor for comment.

Elizabeth Walker, President of the MPOA Board of Directors, expressed appreciation to Supervisor Breeden for his time and understanding. She stated that the MPOA Board endorses the formation of the Authority and looks forward to the next step in the process.

Orris Hambleton, Massanutten resident and MPOA Board member, applauded the Board for its consideration of establishing the Authority. He said this will be a great benefit to Massanutten residents.

Basil Hangemanole spoke in favor of forming the Authority, stating that Massanutten residents will save a lot of money. He explained that continually going before the State Corporation Commission to fight rate increases has been costly. He looks forward to improvements.

Garrett Smith, General Counsel for the Developer of Massanutten Resort, said the Resort has suffered under current management. On behalf of his clients, he applauded the County's decision to consider creation of the Authority, stating that it could help the entire community.

Ann Connors voiced her support. She said the MPOA has tried to help, but she felt like the Massanutten community never really had an advocate. She expressed sincere appreciation to the Board for their consideration of the Authority.

Chairman Kyger closed the public hearing at 6:46 p.m.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Resolution establishing the Massanutten Water and Sewer Authority:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKINGHAM
COUNTY, VIRGINIA, TO CREATE
THE
MASSANUTTEN WATER AND SEWER AUTHORITY**

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

Section One: The Board of Supervisors of Rockingham County, Virginia, hereby creates an Authority, a public body politic and corporate and a political subdivision of the Commonwealth of Virginia, under the provisions of the Virginia Water and Waste Authorities Act, as amended (Title 15.2, Chapter 51, Article 1 through Article 5, both inclusive, of the Code of Virginia, 1950, as amended) (the “Act”) for the purpose of providing for the acquisition, construction, operation and maintenance of a water system and a sewer system as authorized by the Act, and for the purpose of exercising all of the powers conferred by the Act, and any subsequent amendments to the Act, in relation to the foregoing, including, but not limited to, the issuance of debt and the establishment and charging of rates and fees.

Section Two: The following Articles of Incorporation for the Authority are hereby adopted:

**ARTICLES OF INCORPORATION
OF THE
MASSANUTTEN WATER AND SEWER AUTHORITY**

In compliance with the Virginia Water and Waste Authorities Act, as amended, (Title 15.2, Chapter 51, Articles 1 through 5, both inclusive, of the Code of Virginia, 1950, as amended) the Board of Supervisors of Rockingham County, pursuant to a resolution duly adopted signifying its intention to form this Authority, does hereby certify:

- I. The name of the Authority shall be the **MASSANUTTEN WATER AND SEWER AUTHORITY**, and the address of its principal office shall be 20 East Gay Street, Harrisonburg, Virginia, 22802.

- II. The name of the incorporating locality is Rockingham County, Virginia, and the members of the Authority Board shall be composed of the then current members of the Board of Supervisors of Rockingham County, Virginia, and the names and addresses of the first members of the Authority Board are as follows:

NAME OF MEMBER	ADDRESS	ELECTION DISTRICT
Brent V. Trumbo	10877 Harpine Highway Broadway, VA 22815	District #1
Sallie Wolfe-Garrison	1393 Cooks Creek Road Rockingham, VA 22802	District #2
Rick L. Chandler	Post Office Box 174 Port Republic, VA 24471	District #3
William B. Kyger	6710 Vista Heights Road Bridgewater, VA 22812	District #4
Michael A. Breeden	1716 Breeden Circle Elkton, VA 22827	District #5

All Board Members shall serve during the term of their membership on the Board of Supervisors of Rockingham County, which Members shall be deemed elected to the Authority Board upon their election to the Board of Supervisors. All Members

of the Authority Board shall hold office until their successors have been duly elected and qualified and may succeed themselves. The terms of office of the first Members of the Authority Board shall begin on the date of the Certificate of Incorporation issued by the State Corporation Commission.

- III. The purposes for which the Authority is created are: the acquisition, construction, operation and maintenance of a water system and a sewer system, including but not limited to transporting, treatment and disposal, for the area known of as the Massanutten community, and currently served by the Massanutten Public Service Corporation, a copy of a map of such area may be inspected on the County's website and at the office of the County Administrator of Rockingham County, Virginia, at 20 East Gay Street, Harrisonburg, Virginia, and for the purpose of exercising all of the powers conferred by the Virginia Water and Waste Authorities Act, as amended, in relation to the foregoing, including, but not limited to, the issuance of debt and the establishment and charging of rates and fees.

The area included within the Massanutten Water and Sewer System is generally and approximately described in the following narrative:

The Massanutten Water and Sewer System will encompass all areas currently within the service area of the Massanutten Public Service Corporation on Massanutten Mountain.

- IV. In compliance with Section 15.2-5103 of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby makes the finding that it is not practicable to estimate the costs of operation and maintenance at this time. Many factors are yet to be determined by the Board of the Authority after consultation with engineers.

Nevertheless, it can be stated that the major capital costs will be the cost of acquiring the personal and real property, including easements, owned and used by the Massanutten Public Service Corporation, plus the cost of capital repair and replacement of the existing systems, which the Board of Supervisors believes will be significant.

IN WITNESS WHEREOF, the Board of Supervisors of Rockingham County, Virginia, have caused these Articles of Incorporation to be executed in its name by William B. Kyger, Jr., its Chairman, as thereunto duly authorized.

This 12th day of August, 2020.

BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA

Section Three: The Articles of Incorporation shall be executed on behalf of the Board of Supervisors of Rockingham County, Virginia, by the Chairman of the Board of Supervisors, and attested by the County Administrator, and the Chairman and county staff are hereby authorized, empowered and directed to do all things necessary and appropriate to cause the Authority to be created under the provisions of the Act.

Section Four: As required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, a Public Hearing was held at 6:00 p.m., on the 12th day of August, 2020, in the Board of Supervisors' Meeting Room at the County Administration Center, 20 East Gay Street, Harrisonburg, Virginia.

Section Five: A copy of this resolution was published, as required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, one time at least thirty (30) days prior to the date of the aforesaid public hearing in the Daily News Record, a newspaper of general circulation in Rockingham County, Virginia, together with the notice of publication, in substantially the above form.

Section Six: Following the aforesaid public hearing, or any adjournment thereof, and adoption of this Resolution by the Board of Supervisors, no referendum having been called as provided by State Law, the county staff shall cause to be filed with the State

Corporation Commission the Articles of Incorporation of the Massanutten Water and Sewer Authority, together with the proof of publication of this resolution. Also, immediately following such public hearing, or any adjournment thereof, the Clerk of the Board of Supervisors shall furnish the State Corporation Commission with a record of the proceedings in such hearing and the adoption of this Resolution and the State Corporation Commission shall be formally requested to act upon the issuance of a Certificate of Incorporation for the Massanutten Water and Sewer Authority.

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RECESS.

Chairman Kyger recessed the meeting at 6:48 p.m., for a meeting of the Lake Shenandoah Stormwater Control Authority.

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JOINT MEETING OF THE ROCKINGHAM COUNTY BOARD OF SUPERVISORS AND THE BOARD OF THE LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY.

Chairman Kyger called the meeting to order at 7:45 p.m.

County Attorney Miller reviewed a resolution authorizing the terms of the issuance of debt to be borrowed from the County’s Water and Sewer Fund.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board of Supervisors adopted the following Joint Resolution and Supplemental Appropriation:

**JOINT RESOLUTION OF THE
ROCKINGHAM COUNTY, VIRGINIA,
BOARD OF SUPERVISORS
AND THE
BOARD OF THE
LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY
AUTHORIZING, AND AGREEING TO THE TERMS OF,
THE ISSUANCE OF DEBT
IN THE AMOUNT OF \$2,850,000
TO BE BORROWED FROM
THE COUNTY WATER AND SEWER FUND**

WHEREAS, pursuant to Chapter 51, Title 15.2 of the Code of Virginia, 1950, as amended (the Act), the Lake Shenandoah Stormwater Control Authority (the Authority) is empowered to acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain a stormwater control system; to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in lands or water rights in connection therewith; sell, lease as lessor, transfer or dispose of all or any part of any property, real, personal or mixed, or interest therein; to borrow at such rates of interest as authorized by general law and as the Authority may determine and issue its note, bonds or other obligations therefor; and to issue revenue obligations of the Authority, such obligations to be payable solely from the revenues to pay all or a part of the cost of the system; and

WHEREAS, Rockingham County, Virginia (the County), may lend, advance or give money to the Authority; and

WHEREAS, the Authority needs and desires financial assistance to provide financing for the costs to acquire, construct and equip the real and personal property for its stormwater control system to provide for stormwater mitigation in the Lake Shenandoah watershed (the Project); and

WHEREAS, a portion of the real estate that is to be purchased by the Authority for the Project can be put to the dual use of park land and open space for the benefit of all County residents, and the County is willing to take on a portion of the cost of acquisition of the real estate that can be used as park land and open space, and eventually the cost of development and maintenance of any park features decided upon in the future; and

WHEREAS, the County is willing to authorize up to a total of Two Million Eight Hundred Fifty Thousand and no/100 Dollars (\$2,850,000.00) from the Water and Sewer enterprise Fund (the Water and Sewer Fund) to be loaned to the Authority and to the County Capital Project Fund (the Capital Project Fund) for the purposes set forth in this Joint Resolution, such loan to be repaid by the Authority and from the Capital Project Fund under the terms and conditions set forth in the following paragraphs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockingham County, Virginia, and the Board of Directors of the Lake Shenandoah Stormwater Control Authority:

1. It is hereby determined to be necessary and expedient for the Authority and the Capital Project Fund to borrow from the Water and Sewer Fund the aggregate principal amount of Two Million Eight Hundred Fifty Thousand and no/100 Dollars (\$2,850,000.00) to be used together with other lawfully available funds, to provide permanent financing for the Project and the acquisition of real estate for park land and open space.
2. Pursuant to the Act, County staff is hereby authorized to loan to the Authority from the Water and Sewer Fund, and the Authority is hereby authorized to borrow from the water and Sewer Fund, the amount of One Million Nine Hundred Twenty-five Thousand and no/100 Dollars (\$1,925,000.00), for the Project as described in this Authorizing Resolution.
3. Pursuant to the Act, County staff is hereby authorized to loan from the Water and Sewer Fund to the Capital Project Fund, and the Capital Project Fund is hereby authorized to borrow from the Water and Sewer Fund, the amount of Nine Hundred Twenty-five Thousand and no/100 Dollars (\$925,000.00), for the purposes as described in this Authorizing Resolution.
4. The term of both loans shall be ten (10) years, at three percent (3%) interest per annum, amortized, with 9 equal annual payments of \$225,668.73 and a final payment of \$219,095.85 for the Authority; and 9 equal annual payments of \$108,438.22 and a final payment of \$105,279.82 for the Capital Project Fund.
5. Installments of principal due on the loans may be prepaid at the option of the borrower at any time, in whole or in part, from time to time. Prepayment of installments of principal shall not affect the obligation of the Authority or the Capital Project Fund to pay the remaining installments payable as provided, so long as any principal amount remains outstanding. The Authority shall cause written notice of such prepayment to be sent to the County administrator, or designee, not less than thirty (30) days prior to any prepayment date, which notice may be waived by the County.
6. The Authority hereby pledges to the County to secure the payment and performance of the Authority's obligations hereunder all of the Authority's right, title and interest to the revenues and receipts received by the Authority from the stormwater system (the Revenues), subject to the Authority's right to use the Revenues for the payment of the operating and maintenance expenses of the stormwater system. The pledge of the Revenues by the Authority to secure its obligations hereunder shall be valid and binding from and after the effective date of this Joint Resolution. The Revenues, as received by the Authority, shall be immediately subject to the lien of this pledge without any physical delivery of them or further act. The pledge of the Revenues to secure the payment and performance of the Authority's obligations hereunder shall have priority over all subsequent obligations and liabilities of the Authority. In addition, the lien of this pledge shall be valid and binding against all

parties having claims of any kind against the Authority regardless of whether such parties have notice of this pledge.

7. Neither the Authority nor the County shall be obligated to pay the principal of or interest on the loan to the Authority, or any other costs incident thereto, except from the Revenues and other security pledged therefor, and neither the faith and credit nor the taxing power of the County is pledged to the payment of the principal of or interest on such loan or other costs incident thereto. The obligations of the Authority under this Joint Resolution do not and shall not constitute a debt or a pledge of the faith and credit of the County.
8. The Authority covenants that it shall establish and collect rates and charges with respect to the Project sufficient to provide for the operation and maintenance of the System and to service the principal and interest and its other obligations set forth in this Joint Resolution.
9. The Chairperson or the Vice-Chairperson and such other officers of the Authority and the County as may be requested are hereby authorized and directed to take all proper steps to make those loans and carry the transfer of funds and payments in accordance with the terms and conditions set forth in this Joint Resolution, and to deliver all necessary documents and payments to the appropriate party as anticipated herein, and to execute such instruments, documents and certificates as may be requested by Counsel to the Authority or County in furtherance of the purposes set forth herein.
10. Any officer or employee of the Authority or County who receives moneys pursuant to the terms of this Joint Resolution shall act as trustee of such moneys and shall hold and apply the same for the purposes provided in this Joint Resolution and pursuant to the requirements under the Act.
11. All prior resolutions or parts thereof in conflict with this Joint Resolution, if any, are hereby repealed.
12. The Chairperson or the Vice Chairperson and such other officers of the Authority and the County as may be requested are hereby further authorized and directed to take all such further actions as may be necessary or convenient in connection with the Loan.
13. This Authorizing Resolution shall take effect immediately.

FY2020-2021 Supplemental Appropriation

Lake Shenandoah Stormwater Authority

The Lake Shenandoah Stormwater Authority voted on June 24, 2020 to allow staff to move forward with the purchase of land and the construction of a basin and other stormwater mitigation improvements in an amount not to exceed \$2,850,000, to be shared between the Authority and the County Capital Projects Fund. The County Capital Projects Fund would contribute up to \$925,000 for the general county use of the land.

The Authority will borrow funds from the Water and Sewer Fund in order to pay for the land. If the Water and Sewer Fund loans the cash to the Lake Shenandoah Stormwater Authority and to the General Fund, the total interest earned over the next ten years is \$439,377.92. If the Water and Sewer Fund invests that same cash in the traditional investments allowed to governments, it would earn \$130,713.38.

In order to complete the loan and the borrowing accordingly, the following supplemental is required.

Supplemental Appropriation: \$2,850,000

\$1,925,000	GL Code: 1412-00000-15101-000-351401-000	LSSA: Transfer from W/S Fund
\$200,000	GL Code: 1412-04405-00000-000-503109-000	LSSA: Engineering Costs
\$800,000	GL Code: 1412-04405-00000-000-508305-000	LSSA: Site Improvements
\$925,000	GL Code: 1412-04405-00000-000-508313-000	LSSA: Land Purchase
\$925,000	GL Code: 1101-00000-15101-000-351401-000	Cap: Transfer from W/S Fund
\$925,000	GL Code: 1101-09401-00000-000-508313-000	Cap: Land Purchase
\$1,925,000	GL Code: 1401-09301-00000-000-509542-000	Water/Sewer: Transfer to LSSA
\$925,000	GL Code: 1401-09301-00000-000-509511-000	Water/Sewer: Transfer to Cap
\$2,850,000	GL Code: 1401-00000-15201-000-352000-000	Water/Sewer: Fund Reserve

Chairman Kyger adjourned the joint meeting at 7:55 p.m., and reconvened the regular meeting of the Board of Supervisors for a closed meeting.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Breedon, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDON – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 7:56 p.m. to 8:32 p.m., for a closed meeting pursuant to Section 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; (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; and, (29), Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

MOTION: SUPERVISOR CHANDLER
SECOND: SUPERVISOR BREEDON

RESOLUTION NO: 20-10
MEETING DATE: August 12, 2020

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: BREEDON, CHANDLER, KYGER, TRUMBO, WOLFE-GARRISON
NAYS: NONE
ABSENT:

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RECESS.

Chairman Kyger declared the meeting recessed at 8:32 p.m.

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ADJOURNMENT.

With no further business before the Board of Supervisors, Chairman Kyger declared the meeting adjourned on August 26, 2020, at 6:00 p.m.

_____,
Chairman