

January 9, 2019

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 9, 2019, 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
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- PATRICIA D. DAVIDSON, Director of Finance
- 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
- RHONDA H. COOPER, Deputy Director of Community Development
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Code Compliance Officer
- DIANA C. STULTZ, Zoning Administrator
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator  
Virginia Department of Transportation

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**CALL TO ORDER**  
**INVOCATION**  
**PLEDGE OF ALLEGIANCE.**

Administrator King called the meeting to order at 3:00 p.m.

Supervisor Cuevas gave the Invocation and Director of Finance Davidson led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of December 12, 2018.

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**2019 REORGANIZATION OF THE BOARD.**

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN.**

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 elected Michael A. Breeden as Chairman for 2019 and William B. Kyger, Jr. as Vice-Chairman for 2019.

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Administrator King turned the meeting over to Chairman Breeden.

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**RECOGNITION OF 2018 CHAIRMAN.**

On behalf of the Board, Chairman Breeden expressed appreciation to Supervisor Cuevas for his leadership during the past year, and for serving many years on the Board.

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**SETTING OF DAY AND TIME OF REGULAR MEETINGS.**

Supervisor Kyger made a motion to set the 2019 meeting schedule. Supervisor Chandler seconded the motion.

Supervisor Kyger noted the budget hearing has been held at the Administration Center instead of at a County high school when the state budget process has been delayed. Since attendance has declined at budget meetings, Supervisor Kyger questioned the value of meeting at the schools just so seniors can attend the Board meeting for 45 minutes in the afternoon. Supervisor Kyger believes students have more of a learning experience from the interaction they have during field trips to the Administration offices, courts and Sheriff’s Department, as well as their attendance at regular monthly Board meetings at the County Administration Center.

Supervisor Wolfe-Garrison questioned whether the Board meets at the schools solely to educate the students or to be more accessible to the community.

Supervisor Kyger said the meetings are more accessible to citizens who live near the school where the meeting is scheduled, but the Administration Center is more centrally located to all areas in the county. He indicated the budget meetings were moved to the schools years ago when there were large crowds attending the budget meetings. He suggested keeping the April 10, 2019 reservation at Spotswood High School until it is determined whether the Board Room can accommodate the number of citizens expected to attend the budget public hearing.

Supervisor Chandler stated the Board should interact with students and suggested asking government teachers at Spotswood if they would like to schedule a field trip for students to tour the County Administration Center this year. Following discussion regarding government presentations at the high schools, it was noted that several of the County high schools provide a presentation similar to what Supervisor Cuevas has historically done at Broadway High School. Supervisor Cuevas interjected that the Board should have the prerogative to hold a meeting at another location in the County; it does not have to be a budget meeting.

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 set the 2019 meeting schedule as follows:

Beginning with this meeting held on January 9, 2019, and each second Wednesday thereafter, the first meeting of the month shall commence at 3:00 p.m., with the following exception: the first meeting in April, on April 10, 2019, which will include a public hearing on the proposed budget for FY 2019-20, will be held at the Administration Center at 3:00 p.m. or Spotswood High School at 2:00 p.m., depending on the anticipated attendance.

Beginning January 23, 2019, and each fourth Wednesday thereafter, the second meeting of the month shall commence at 6:00 p.m., with the following exceptions: there will be only one meeting held in July on July 17, 2019 at 3:00 p.m.; in November on November 13, 2019 at 3:00 p.m.; and, in December on December 11, 2019 at 3:00 p.m.

With regard to meetings delayed due to inclement weather, if a meeting cannot be held due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held at the scheduled time on the following Wednesday, unless otherwise determined by the Board.

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**REVIEW OF COMMITTEE ASSIGNMENTS.**

The Board received the following draft of the 2019 Chairman's Committee appointments:

**BOARD OF SUPERVISORS  
2019 Chairman's Committee Appointments**

**BOARD COMMITTEES:**

**BUILDINGS AND GROUNDS**

Mike Breeden  
Rick Chandler

**FINANCE**

Michael Breeden  
Pablo Cuevas

**PUBLIC WORKS**

Pablo Cuevas  
Michael Breeden

**PERSONNEL-RELATED (Ad Hoc)**

Chairman  
Vice-Chairman

**LIAISON COMMITTEES:**

**CITY-COUNTY LIAISON**

William Kyger  
Pablo Cuevas

**AUGUSTA/ROCKINGHAM  
LIAISON COMMITTEE**

District 3 Board Member  
District 4 Board Member

**SCHOOL BOARD LIAISON**

Pablo Cuevas  
Sallie Wolfe-Garrison

**TOWNS/COUNTY LIAISON**

Chairman  
Town's Board Member or Vice-Chairman

**JMU LIAISON**

District 3 Board Member  
District 4 Board Member

**SENTARA-RMH LIAISON**

District 3 Board Member  
District 4 Board Member

**OTHER COMMITTEES:**

**CENTRAL SHENANDOAH PLANNING  
DISTRICT COMMISSION**

Rick Chandler  
Rhonda Cooper

**TECHNOLOGY COMMITTEE**

Sallie Wolfe-Garrison  
William Kyger

**SOCIAL SERVICES ADVISORY BOARD**

Michael Breeden

**MASSANUTTEN REGIONAL LIBRARY**

Rick Chandler

**CHAMBER OF COMMERCE**

Sallie Wolfe-Garrison

**RELATED LANDS (Federal)**

Michael Breeden  
Rhonda Cooper

**COMMUNITY CRIMINAL  
JUSTICE BOARD**  
Rick Chandler  
County Administrator

**WORK FORCE INVESTMENT BOARD**  
Pablo Cuevas  
Casey Armstrong, alternate

**VACO BOARD**  
William Kyger

**METROPOLITAN PLANNING ORGANIZATION**  
Sallie Wolfe-Garrison  
Stephen King  
Casey Armstrong

Alternates  
Rhonda Cooper  
Bradford Dyjak

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**RECESS.**

At 3:12 p.m., Chairman Breeden declared the regular meeting recessed for a meeting of the Countryside Sanitary District.

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**RECESS.**

At 3:13 p.m., Chairman Breeden declared the regular meeting recessed for a meeting of the Lilly Subdivision Sanitary District.

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**RECESS.**

At 3:14 p.m., Chairman Breeden declared the regular meeting recessed for a meeting of the Penn Laird Sewer Authority.

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**RECESS.**

At 3:15 p.m., Chairman Breeden declared the regular meeting recessed for a meeting of the Smith Creek Water and Waste Authority.

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**TRANSPORTATION DEPARTMENT.**

At 3:17 p.m., Chairman Breeden reconvened the regular meeting of the Board to hear Mr. Komara’s report on the activities of the Transportation Department, including updates to bridge, road and rural rustic projects.

Mr. Komara noted that bids for the one-lane Lairs Run bridge in Fulks Run were opened in December 2018. He reviewed the bids received and reported that Kanawha Stone Company, Inc. from Nitro, West Virginia was awarded the bid for \$1.3 million. Mr. Komara indicated the 18-month project should begin in March. He noted that the current bridge will be used as a temporary bridge during the construction. In response to a comment from Supervisor Cuevas, Mr. Komara said citizens would be provided an opportunity to have the wood from trees that will be removed, if they cut the trees and clean up the area.

Mr. Komara indicated VDOT is boring a pipe along Spotswood Trail (Route 33) at Penn Laird.

Mr. Komara reported that the meeting held in Bergton on December 18, 2018 went well, and almost 175 citizens with drainage concerns attended.

Maintenance items included grading gravels roads, cutting brush and patching potholes.

Supervisor Wolfe-Garrison thanked VDOT for fixing Route 914, and noted the residents were very appreciative as she received three calls within 24 hours.

Supervisor Kyger indicated potholes appear to be worse where slurry seal was applied. He thanked VDOT for staking the area at Montezuma where there was a problem for horses and buggies. Even though a guardrail was not installed, he believes it is staked well enough that horses sense they will not go over the bank. Mr. Komara noted delineators were installed along the bank to make the horses feel more comfortable. Supervisor Kyger asked Mr. Komara to work on brush-cutting, particularly along Friedens Church Road (Route 682).

Supervisor Chandler reminded Mr. Komara of his request to replace the public fishing lake sign heading north on Cross Keys Road (Route 276) just before Shen Lake Drive (Route 689). Supervisor Chandler noted a "School Stop Ahead" sign on Port Republic Road (Route 253) west of Pineville is hanging upside down. He also indicated the top part of a warning sign indicating a 90-degree turn is missing on Main Street (Route 605) in the Village of Port Republic.

Supervisor Chandler thanked VDOT for filling potholes on the North River Bridge entering Port Republic, but indicated some potholes were not filled near the top of the bridge as heading east into Port Republic. He also noted there are deep ruts and the pavement is starting to undermine on the east side of Massanetta Springs Road (Route 687) close to the Preston Lake entrance. He asked that temporary repairs be made prior to the Massanetta Road Project.

Supervisor Chandler asked Mr. Komara to meet with him to discuss solutions for water drainage on Jackson Way (Route 955).

Chairman Breeden requested Mr. Komara meet with him to view the intersection of Cemetery Road (Route 843) and Cave Hill Road (Route 641) where there is a sharp turn. Chairman Breeden also expressed concern with the wetlands north of Merck where guardrail was installed. With so much rain this year, water is running across East Side Highway (Route 340) into drainage ditches in yards, and will freeze when the temperature drops.

Mr. Komara stated moisture between the overlay surface and base is affecting the riding surface of roads.

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**DAILY NEWS RECORD REPORTER.**

Jessica Wetzler, who had been working at the *Daily News Record* four weeks, introduced herself to the Board. She is a VCU graduate from Richmond, Virginia.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Administrator King's staff report dated January 4, 2019.

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

The Board received and reviewed Mr. Armstrong's Community Development staff report dated January 9, 2019.

Mr. Armstrong introduced Jay Langston, the new director of the Shenandoah Valley Partnership. Mr. Langston previously worked at Virginia Economic Development Partnership (VEDP) in Richmond.

Mr. Langston stated he has been working with the Shenandoah Valley Partnership five or six weeks and is somewhat familiar with the area. He noted the local Partnership has a legacy of good directors and said he looks forward to working with the County.

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Mr. Armstrong noted bids were received and opened on January 4, 2019, for the Massanetta Springs Road Improvement Project. Staff recommended awarding the project to A & J Development and Excavation, Inc. for \$2,177,572. Since this is a revenue sharing project, the County's portion is \$1,088,786, Mr. Armstrong said. The project includes widening and regrading Massanetta Springs Road (Route 687) from, 0.59 mile south of Spotswood Trail (Route 33) to the Massanetta Springs Conference Center. The project will include additional northbound and southbound lanes, a left-turn lane at the Quarles Court intersection and widening at the Spotswood Trail intersection to provide an additional turn lane in the future.

Mr. Armstrong informed Supervisor Chandler that the Massanetta Springs Road Improvement Project will address the drainage issues he mentioned during the Transportation Report. He said work will begin in April, if the drainage issue can wait until then.

Mr. Armstrong also noted staff recommends contracting with Whitman, Requardt & Associates, LLP (WRA) for third party inspections at an amount of \$232,100.12. He noted WRA performed construction management for Reservoir Street (Route 710) and Spotswood Trail (Route 33). The total amount for the project will be \$2,409,672. Mr. Armstrong reiterated that staff recommends awarding a contract to A & J Development and Excavation, Inc. and Whitman, Requardt & Associates, LLP.

On behalf of the Public Works and Finance Committees, Supervisor Cuevas made a motion to accept the recommendation from staff to proceed with the Massanetta Springs Road Improvement Project. Supervisor Chandler seconded the motion, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to proceed with the Massanetta Springs Road Improvement Project as a cost of \$2,177,572 for A & J Development and Excavation, Inc., and \$232,100.12 for Whitman, Requardt & Associates, LLP for the third party inspections.

Administrator King indicated it will be a challenge to keep traffic moving during the Massanetta Springs Road Improvement Project. Staff will try to coordinate with schools so school transportation is not impacted, and keep citizens informed so they know when to avoid that area, but there is no way to avoid some of the negative impact, Administrator King said. Mr. Armstrong stated staff anticipates providing updates via WSVN and WFSW TV-3 when the road or intersection is closed. Supervisor Chandler suggested that staff also communicate with Sunnyside Retirement Community.

In response to a question from Supervisor Wolfe-Garrison, Mr. Armstrong said the project will extend .59-mile to the property line with the conference center. She confirmed that the project will not affect Shen Lake Drive (Route 689) traffic traveling to SentaraRMH.

Administrator King noted that staff will need to anticipate the timing of work to remind A & J Development and Excavation, Inc. and inform the public of detours.

Supervisor Kyger suggested that staff also provide area businesses advance notice of detours.

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On motion by Supervisor Cuevas, 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 removed from the table REZ18-063, Ronnie Freed, 18943 Brocks Gap Road, Bergton VA 22811, to rezone a 2-acre portion of parcel located on the west side of Brocks Gap Road (Route 259) approximately 900 feet north of Bergton Road (Route 820), from A2 (General Agricultural) to RV (Rural Village). The Comprehensive Plan identifies the area as Agricultural Reserve. Tax map #11-(A)-L25B. Election District 1.

Supervisor Cuevas reminded the Board that staff tried to work with the applicant to rezone a two-acre parcel of land in the Bergton area to use for a storage facility. He said since the applicant has been inactive and lost enthusiasm. The Board can address the property further in the future, if requested.

On motion by Supervisor Cuevas, 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 denied REZ18-063, Ronnie Freed, 18943 Brocks Gap Road, Bergton VA 22811, to rezone a 2-acre portion of parcel located on the west side of Brocks Gap Road (Route 259) approximately 900 feet north of Bergton Road (Route 820), from A2 (General Agricultural) to RV (Rural Village). The Comprehensive Plan identifies the area as Agricultural Reserve. Tax map #11-(A)-L25B. Election District 1.

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson’s staff report dated January 3, 2019.

On motion by Supervisor Cuevas, 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 declared the following items surplus to be disposed of through the public surplus auction website:

Items to Declare Surplus – January 2019

Description	Quantity
Cubicles	2
Projector	2
52” Monitor	1
Conference Room Projector	2

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On December 12, 2018, the Board authorized the County Administrator to enter into a contract with Harman Construction to design and build the Port Road Emergency Response Station, and re-appropriated the funds.

Mrs. Davidson presented a Reimbursement Resolution for the Board’s consideration. She explained the intent is to review the cash flow and the fund balance minimum policy over the next six months before determining whether to issue the debt. If the Board adopts the resolution for the Port Road Emergency Response Station, the County can reimburse itself if debt is issued for the project. She noted the Reimbursement Resolution was provided by Bond Counsel Daniel Lauro.

On behalf of the Finance Committee, on motion by Supervisor Cuevas 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 resolution declaring its intent to reimburse those costs through the issuance of bonds using the Virginia Resources Authority (VRA):

**RESOLUTION TO DECLARE AN INTENT TO REIMBURSE**

**WHEREAS**, the Board of Supervisors of Rockingham County, Virginia, upon mature consideration, has determined that it is essential for the County of Rockingham, Virginia (the “County”) to acquire, construct, reconstruct, expand, and equip capital projects for emergency services in the County, including a new Emergency Response Station on Port Republic Road in the County and payment of engineering fees and other preliminary costs and costs of issuance in connection with such undertakings by the County (all capital projects for such purposes in the County being referenced herein as the “Project”); and

**WHEREAS**, the County reasonably anticipates to obtain long-term financing of all or any portion of the costs of the Project through the County’s participation in the pooled bond program offered from time to time by Virginia Resources Authority (“VRA”), or other tax- exempt financing(s) as may be necessary or convenient, in one or more financings, and accordingly, the County shall comply with the provisions of the Internal Revenue Code of 1986, as amended, so that interest on any bonds or notes issued by the County, or VRA on behalf of the County, the proceeds of which are used to fund such loan to the County (the “Loan”), will remain excludible from gross income for Federal income tax purposes in accordance with law; and

**WHEREAS**, the County now desires to declare its intent to use all or any portion of the proceeds of one or more tax-exempt obligations to be issued, in one or more series, to reimburse certain expenditures in connection with the Project, among other things, all as required by Federal tax laws, including Treasury Regulations § 1.150-2 in the Internal Revenue Code of 1986, as amended, all as further described below.

**NOW THEREFORE, BE IT RESOLVED, as follows:**

1. The County has paid/has caused to be paid, beginning no earlier than 60 days prior to adoption hereof and will pay/will cause to be paid, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the Project. Further, it has been determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Project-related Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of such Loan as described above (or otherwise from one or more issues of tax-exempt bonds). Accordingly, the County hereby declares its intent and reasonable expectations to reimburse the County with all or any portion of the proceeds thereof for the Expenditures with respect to the Project made no earlier than 60 days prior to the adoption hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with all or any portion of the proceeds of such Loan.

2. The maximum aggregate principal amount of bond(s) or note(s) to be issued by the County in one or more series (to VRA, as described above, or other tax-exempt financing(s) as may be necessary or convenient) in connection with the Project, as described above, is reasonably anticipated to be approximately \$3,800,000.

3. The County will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse the Expenditures, no later than 18 months after the later of the date on which the Expenditure(s) is/are paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure(s) is/are paid. This declaration of intent to reimburse, as required by Treasury Regulations Section 1.150-2 and Federal tax laws, shall take effect immediately.

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Supervisor Cuevas stated if the cost of the project comes in under the projected amount, that does not give staff the authority to use the funds for other items.



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Mrs. Davidson noted the Board approved a supplemental appropriation for \$42,000 to replace a Public Works Utility Vehicle on December 12, 2018, but approval of the purchase order is needed since the exact specifications were not previously known. She noted the purchase order is for \$32,158.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, 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 purchase order for a 2019 6 x 4 Chevy Silverado 3500 at the state contract price of \$32,158, through RK Chevrolet, State Contract #E194-73326.

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**HUMAN RESOURCES DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Mongold’s staff report dated January 9, 2019.

In response to a question from Supervisor Wolfe-Garrison, Mrs. Mongold said some part-time staff in Fire and Rescue moved to full-time status, but the majority of the vacancies were filled with new employees.

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**PUBLIC WORKS DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mr. Rhodes’ staff report dated January 9, 2019.

Mr. Rhodes reported that Town Hall Road (Route 843) in McGaheysville was scheduled to be paved on January 8 and 9, 2019, but paving was delayed due to the cold temperatures. He hopes the road can be paved the week of January 14, 2019. The potholes were filled, but the overlay needs to be completed, Mr. Rhodes said.

Supervisor Cuevas suggested Public Works staff determine a way without advertising to communicate what items are accepted at the recycling centers, so citizens do not dispose of those items along the road or in the woods. He further noted the recycling centers stopped receiving some items previously accepted, due to Environmental Protection Agency regulations. Since the County’s equipment has been upgraded, some of those items are being accepted again, but that was not communicated. He noted that some employees at the recycling centers do not realize those items are accepted.

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**TECHNOLOGY DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Perry’s staff report dated January 2019.

Mrs. Perry said new cell phones will be distributed to staff on January 24 or 25. Administrator King said he would send an email to confirm that staff members want their upgraded phone to be the same style as the phone they currently use. It was noted that the new phones are being upgraded at no charge and will have cases.

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**FIRE AND RESCUE CHIEF’S STAFF REPORT.**

The Board received and reviewed Chief Holloway’s staff report dated January 2019. He brought attention to the fact that PBMares has started Agreed Upon Procedure

Audits for all volunteer fire and rescue stations. He also noted the drawing for the Port Road Emergency Response Station building is available for viewing in the Fire and Rescue office.

Supervisor Cuevas thanked Chief Holloway for his guidance and participation at a recent Bergton community meeting. He said it is important for staff to meet with citizens so they realize the County cares and is doing as much as possible to improve their quality of life, even though their issues may not be addressed as they wish.

In response to a question from Supervisor Wolfe-Garrison regarding the average number of emergency calls from the THERMAL shelter each week, Chief Holloway indicated fire and rescue staff do not respond to many additional calls. Since the shelter changes locations each week, Chief Holloway said he would need to investigate further.

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**PARKS & RECREATION DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mr. Dean’s staff report dated January 2019.

Mr. Dean brought to the Board’s attention that staff met with Dr. Scheikl, Dr. Alderfer, and the middle school principals about providing an after school program for middle school students. Responses to a questionnaire were received from 200 parents, but the program will only accommodate 120 students currently. He noted the program will more than pay for itself, and he hopes to make a decision regarding moving forward on January 23, 2019.

In response to a question from Supervisor Wolfe-Garrison, Mr. Dean said in anticipation of the County moving forward with this program, he has communicated with personnel at Eastern Mennonite University about hiring students to staff positions, and he will explore other options once a decision is made about the program. He noted the elementary school after school program is at full capacity, with a waiting list.

Supervisor Kyger said this is an investment in children’s futures, which may eliminate future investments in undesirable areas, particularly in juvenile justice. He is in favor of providing safe harbors that provide nurturing activities for children.

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**COURT SERVICES DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Freeman’s staff report dated January 9, 2019.

Supervisor Cuevas asked Mrs. Freeman to place Brocks Gap Road (Route 259) on the litter control program schedule.

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**COMMITTEE REPORTS.**

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

BUILDINGS AND GROUNDS

Supervisor Chandler advised that Building and Grounds will meet on January 30, 2019.

CHAMBER OF COMMERCE

Supervisor Wolfe-Garrison announced that the Chamber of Commerce’s Annual Banquet was held on January 3, 2019, with over 500 attendees.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Chandler confirmed the first CCJB meeting in 2019 is in March at the City Municipal Building.

FINANCE

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2018-2019 supplemental appropriation:

**Softball Field Lights**

The school superintendent requested that the County appropriate \$1,500,000 of unspent funds from the fiscal year 2017-2018 budget to construct field lights on four high school softball fields. The field lights will allow softball games to continue past dark, if needed.

Staff recommends using cash for the purchase, but presented a Reimbursement Resolution for approval in case debt proceeds are needed.

Supplemental Appropriation: \$1,500,000

\$1,500,000	GL Code: 2103-66500-00000-000-608009-000	School Capital Fund
\$1,500,000	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund
\$1,500,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Balance
\$1,500,000	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital Fund

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Mrs. Davidson asked the Board to adopt the Reimbursement Resolution to Declare an Intent to Reimburse for the softball field lights, in case debt proceeds are needed to support the on-going cash needs for the County.

On behalf of the Finance Committee, on motion by Supervisor Cuevas 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 resolution declaring its intent to reimburse those costs through the issuance of bonds using the Virginia Public School Authority (VPSA):

**RESOLUTION TO DECLARE AN INTENT TO REIMBURSE**

**WHEREAS**, the Board of Supervisors of Rockingham County, Virginia, upon mature consideration, has determined that it is essential for the County of Rockingham, Virginia (the “County”) to acquire, construct, reconstruct, expand, and equip capital projects for school purposes in the County, including but not limited to installing new lights on the softball fields at East Rockingham High School, Spotswood High School, Turner Ashby High School, and Broadway High School, and payment of architect and engineering fees and other preliminary costs and costs of issuance in connection with such undertakings by the County (all capital projects for such purposes in the County being referenced herein as the “Project”); and

**WHEREAS**, the School Board of Rockingham County, Virginia (the “School Board”), upon mature consideration, has determined that a vital need exists for the Project; and

**WHEREAS**, the County reasonably anticipates to obtain long-term financing of all or any portion of the costs of the Project through the County’s participation in the pooled bond program offered from time to time by Virginia Public School Authority (“VPSA”), or other tax-exempt financing(s) as may be necessary or convenient, in one or more financings, and accordingly, the County shall comply with the provisions of the

Internal Revenue Code of 1986, as amended, so that interest on any bonds issued by the County, or VPSA on behalf of the County, the proceeds of which are used to fund such loan to the County (the “Loan”), will remain excludible from gross income for Federal income tax purposes in accordance with law; and

**WHEREAS**, the County now desires to declare its intent to use all or any portion of the proceeds of one or more tax-exempt obligations to be issued, in one or more series, to reimburse certain expenditures in connection with the Project, among other things, all as required by Federal tax laws, including Treasury Regulations § 1.150-2 in the Internal Revenue Code of 1986, as amended, all as further described below.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, as follows:**

1. The County and/or the School Board has paid/has caused to be paid, beginning no earlier than 60 days prior to adoption hereof and will pay/will cause to be paid, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the Project. Further, it has been determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Project-related Expenditures are available only for a temporary period and it is necessary to reimburse the County and/or the School Board for the Expenditures from the proceeds of such Loan as described above (or otherwise from one or more issues of tax-exempt bonds). Accordingly, the County hereby declares its intent and reasonable expectations to reimburse the County with all or any portion of the proceeds thereof for the Expenditures with respect to the Project made no earlier than 60 days prior to the adoption hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with all or any portion of the proceeds of such Loan from VPSA.

2. The maximum aggregate principal amount of bond(s) or note(s) to be issued by the County in one or more series (to VPSA, as described above, or other tax-exempt financing(s) as may be necessary or convenient) in connection with the Project, as described above, is reasonably anticipated to be approximately \$1,500,000.

3. The County or the School Board, as the case may be, will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse the Expenditures, no later than 18 months after the later of the date on which the Expenditure(s) is/are paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure(s) is/are paid. This declaration of intent to reimburse, as required by Treasury Regulations Section 1.150-2 and Federal tax laws, shall take effect immediately.

**HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)**

Supervisor Chandler indicated the January MPO meeting was cancelled, but a meeting will be scheduled in February. He noted Supervisor Wolfe-Garrison has replaced him on the MPO, and said he would remind the MPO that they need to elect a new Chair and Vice-Chair.

**HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (HRRSA)**

Mr. Rhodes indicated the Sewer Authority has been struggling the past few weeks to get rid of bio-solids, due to the wet weather. They are constructing an emergency holding facility at their site. The Sewer Authority is disposing of the bio-solids at various landfills to free up some space.

**SHENANDOAH VALLEY PARTNERSHIP (SVP)**

Mr. Armstrong announced that he looks forward to working with Mr. Langston.

STORMWATER ADVISORY

Supervisor Wolfe-Garrison said the Stormwater Advisory Committee will meet on January 14, 2019.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reminded the Board that the Rural Caucus Banquet is on January 30, 2019, and the VACo County Legislative Day will be held on January 31, 2019. VACo will also host the Chairpersons’ Institute in Richmond on February 1 and 2, 2019.

Supervisor Kyger indicated the National Association of Counties (NACo) National Legislative Conference will be held in Washington, D.C. from March 2 to 6, 2019.

CHAIRMAN

Chairman Breeden thanked Supervisor Cuevas again for his service during 2018.

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**COMMITTEE APPOINTMENTS.**

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Kevin Flint to represent District 1 on the Planning Commission, for a term that will expire December 31, 2022.

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**WHSV TV-3 REPORTER.**

John Hood, the new reporter at WHSV TV-3, introduced himself to the Board.

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**RECESS.**

The Board recessed the meeting for dinner at 4:18 p.m.

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**PUBLIC HEARING – ORDINANCE AMENDMENT.**

At 6:00 p.m., Chairman Breeden opened the public hearing and Ms. Stultz reviewed the following proposed ordinance amendment:

- OA18-340 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article II. Definition of Terms, Section 17-201. Definitions generally: to amend the definition of Medical Office or Clinic to include medical spa that is associated with that medical practice.

Ms. Stultz indicated staff is requesting minor changes to the Medical Office or Clinic definition, to specify that a spa in those offices needs to be a medical spa associated with the medical practice within that office.

By a 5 to 0 vote on December 4, 2018, the Planning Commission recommended approval of the proposed ordinance amendment, with the removal of the term “medical spa” so the ordinance just refers to a “spa”.

Ms. Stultz explained that staff recommends approving the amendment as presented, with the term “medical spa”. She noted spas are permitted in medical offices or clinics by

right in many planned and business districts. However, spas are not allowed in several other districts where medical offices or clinics are permitted by right, by special use permit or as an accessory.

Ms. Stultz indicated if the definition does not state the spa is a “medical spa”, a medical office or clinic can rent a room with a spa that is not associated with the doctor for a medical purpose.

Mr. Miller suggested adding the word “facility” after “an emergency care”.

In response to a question from Supervisor Wolfe-Garrison, Ms. Stultz indicated the amendment was requested because a doctor asked to have a medical-related spa, and assured County staff that the person providing the spa treatment will be performing a medical service for his office.

Ms. Cooper asked Mr. Miller about also adding “facility” after “surgery”. Following discussion regarding whether a surgery is a procedure or a place, it was decided to change the proposed ordinance amendment to contain “medical surgical facility”.

Following questions from Supervisor Cuevas, Mr. Miller explained that the current request is for a medical clinic in an R-3 District and the doctor wants a spa associated with his clinic for medical purposes. Since staff wants to limit what is allowed in an R-3 District, this amendment will allow a “medical spa”, but not a “beauty spa”, which is permitted by right in a B-1 District.

No citizens spoke regarding the ordinance amendment.

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At 6:09 p.m., Chairman Breeden closed the public hearing.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – ABSTAIN; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment as presented:

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

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

That Section 17 - 201. Definition of Terms be and hereby is repealed and re-enacted as follows:

Section 17-201. Definitions generally.

*Medical office or clinic.* An office used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis. This use may include one or more of the following: an outpatient surgical facility, an emergency care facility, a related medical support lab, a pharmacy, or a medical spa associated with the medical practice within the office. This term shall not include group homes, halfway houses, hospitals, nursing homes, rehabilitation facilities, residential facilities, substance abuse treatment facilities, or schools.

This ordinance shall be effective from the 9<sup>th</sup> day of January, 2019.

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**PUBLIC HEARING – REZONING.**

At 6:11 p.m., Chairman Breeden opened the public hearing and Mr. Dyjak reviewed the following rezoning request:

REZ18-338 Greendale, LLC. c/o Devon Anders, 1346 Pleasants Drive, Harrisonburg, VA 22801, is requesting to rezone a 13.12-acre parcel referenced as The Crossings- Section 2 located on Dorval Road, approximately 500' south of its intersection with Greendale Road from R-3C (General Residential with Conditions) to PSF (Planned Single Family). The parcel is identified in the Comprehensive Plan as Community Residential in the Urban Growth Area, Tax Map #124-(A)-L131, Election District 4.

Mr. Dyjak pointed out that the majority of the property in this request is located in the County and the remainder is in the City. The applicant wants to change the designation to increase the number of lots in the County to 40 and provide more defined open-space common areas. Mr. Dyjak noted that 11 of the lots will be bisected by the City/County line.

Mr. Dyjak stated there are no proffers, but the Master Plan and Amended Narrative Statement are legally binding documents that will supersede the 2012 proffers. Since this is a Master Plan, technical engineering details have not been finalized but the engineer is aware of the run-off concerns, Mr. Dyjak noted.

Mr. Dyjak said correspondence was received from Jeff Cornwell, an adjoining landowner, regarding runoff and erosion control. Mr. Dyjak and the applicant talked with Mr. Cornwell.

The Planning Commission recommended approval by a 5-0 vote on December 4, 2018.

Dick Blackwell from Blackwell Engineering explained that the reason for the zoning change is that the lots in the City are approximately 60 feet wide. The R-3C zoning requires the lots to be 80 feet wide, but the planned single-family zoning allows the lots to be 60 feet wide to match the City lot sizes. This will also enable the applicant to provide eight more lots.

Mr. Blackwell said he visited Mr. Cornwell's property and ensured Mr. Cornwell that the stormwater will flow to the main swell behind Grassy Creek, not onto his property. He noted there could be several stormwater basins to protect Mr. Cornwell, who will be informed as the design is finalized.

Mr. Blackwell also indicated the size of the detention ponds could affect the size of some lots, and noted one lot will not be sold until he determines whether it is needed for the stormwater.

During his last conversation with the City, Mr. Blackwell said they discussed that the lots to the south have to be pumped uphill with sump pumps or connected to the sewer line in Grassy Creek to drain down. Mr. Blackwell also said a City Council member asked him to discuss adjustments to the City/County property lines with the County, so neighbors are entirely in the City or County. Mr. Miller indicated that would be a relatively easy process, and Supervisor Kyger said the Board will look into that possibility.

Mr. Blackwell stated the original part of the neighborhood will not be part of the new Homeowners Association, but will have access to the park.

Jeff Cornwell said he and his wife, Cindy, live at 1053 Bridal Court in Harrisonburg. Since the houses in this development will be on a hill, he is concerned about runoff onto his property. Mr. Cornwell understands there is a creek or long swell

between Grassy Creek and his property, but he is concerned about the swell at the corner of his lot where it joins the County. Mr. Blackwell looked at his property and assured him there would be channel drains, which should alleviate any problems he may have and told him the engineers would visit his property to ensure he is satisfied with the plan.

Mr. Cornwell understands from Mr. Dyjak that this is the beginning of the process, but stated he would feel more at ease when he sees the drainage plan in writing. Mr. Cornwell thanked Messrs. Dyjak and Blackwell for educating him about the process, and expressed appreciation to the Board for listening to his concern.

Supervisor Kyger reaffirmed that Mr. Cornwell’s concerns will be addressed in the site plan. He emphasized to Mr. Cornwell that he has a right to be protected and thanked him for expressing his concern.

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Chairman Breeden closed the public hearing at 6:35 p.m.

Supervisor Kyger said the amenities provided with the rezoning of the Crossings development will improve the quality of life for the residents, and raises the expectations for similar developments. He noted City water is available to the development, and the request is compatible with the comprehensive plan. Since the developer and staff are aware of Mr. Cornwell’s concern, he feels comfortable the issue will be addressed in the site plan to mitigate Mr. Cornwell’s concern as much as possible.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following Master Plan and Amended Narrative Statement, approved REZ18-338, Greendale, LLC. c/o Devon Anders, 1346 Pleasants Drive, Harrisonburg, VA 22801, is requesting to rezone a 13.12-acre parcel referenced as The Crossings- Section 2 located on Dorval Road, approximately 500’ south of its intersection with Greendale Road from R-3C (General Residential with Conditions) to PSF (Planned Single Family). The parcel is identified in the Comprehensive Plan as Community Residential in the Urban Growth Area, Tax Map #124-(A)-L131, Election District 4.

*(Note: A copy of the Master Plan and Amended Narrative Statement are attached to and made a part of these minutes.)*

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**ADJOURNMENT.**

Chairman Breeden declared the meeting adjourned at 6:37 p.m.

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Chairman