

April 24, 2019

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 24, 2019, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
SALLIE WOLFE-GARRISON, Election District #2  
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  
JEREMY C. HOLLOWAY, Fire & Rescue Chief  
PHILIP S. RHODES, Director of Public Works  
BRADFORD R. R. DYJAK, Director of Planning  
KELLY S. GETZ, Code Compliance Officer  
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**  
**MOMENT OF SILENCE**  
**INVOCATION**  
**PLEDGE OF ALLEGIANCE.**

Chairman Breedon called the meeting to order at 6:00 p.m.

Supervisor Chandler paused for a moment of silence in memory of Curtis Elwood Link, who passed away on April 24, 2019. Supervisor Chandler stated that Mr. Link was a former Virginia State Police Trooper who provided an outstanding service to the community.

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

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**APPROVAL OF MINUTES.**

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 approved the minutes of the regular meeting of April 10, 2019.

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**INTRODUCTION OF STUDENTS.**

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

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**PROCLAMATION - NATIONAL BIKE MONTH.**

Administrator King read a proclamation in support of National Bike Month.

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 following proclamation:

**PROCLAMATION**

**Designating May as “National Bike Month”**

**WHEREAS**, the month of May has been designated "National Bike Month" to promote public awareness of bicycle safety and education among cyclists and motorists; and

**WHEREAS**, Rockingham County supports and encourages the use of bicycles as non-motorized transportation for travel, exercise and recreation through its commitment to enhance roadways and road access; and

**WHEREAS**, in 2011, the Board of Supervisors established and appointed a committed and diverse group of citizens to the Rockingham County Bicycling Advisory Committee, to advise the Board on the promotion, planning and implementation of bicycle and other non-motorized transportation; and

**WHEREAS**, on October 26, 2016, the Board of Supervisors adopted a County Bicycle and Pedestrian Plan, which provides a framework for enhancing the safety and attractiveness of walking and biking throughout Rockingham County; and

**WHEREAS**, Rockingham County is committed to bicycling and non-motorized transportation as demonstrated by participation in programs like the Safe Routes to School program, which has grown substantially as a result of County support. This important program encourages more physical activity, helps ensure walking and biking is part of everyday life, encourages students and families to consider how they might get to school without a car, and teaches valuable bicycle safety skills during physical education classes; and

**WHEREAS**, numerous visiting cyclists travel to Rockingham County to ride the beautiful, scenic roads and to participate in numerous bicycling-related races contributing substantially to the local economy, restaurants, motels and other similar businesses; and

**WHEREAS**, initially formed as a celebrated idea by the League of American Cyclists, Bike Month is now regarded as a national event. We join the League in celebrating the vibrant and active community of cyclists in Rockingham County.

**NOW, THEREFORE, BE IT PROCLAIMED**, by the Rockingham County Board of Supervisors, acting through its Chairman and on behalf of the citizens of this County that May is "**National Bike Month**" in Rockingham County, and that the Board encourages County cyclists and motorists to **SHARE THE ROAD** and maintain safe transportation corridors in our community and the Shenandoah Valley.

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Chairman Breedon presented the proclamation to several members of the Shenandoah Valley Bicycle Coalition (SVBC). Greg “Yogi” Gillette, member of the Bicycle Advisory Committee and SVBC, provided remarks regarding upcoming rides and events. Mr. Gillette expressed appreciation to the Board for designating May as National Bike Month.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department, including updates to road, bridge and rural rustic projects. He stated that the Lairs Run Road (Route 921) bridge project is moving along well.

Bidding for the North Valley Pike (Route 11) bridge replacement over Interstate 81 at exit 257 will open May 22, 2019, with work expected to begin in July, 2019.

A public meeting regarding the bridge replacement on East Lee Street (Route 259) in the town of Broadway is scheduled for June 13, 2019, from 4-7 p.m., at J. Frank Hillyard Middle School.

Mr. Komara explained that the South Valley Pike (Route 11) road widening project will provide a full access intersection to the entrance at the Fairgrounds and the Shenandoah Heritage Market. The entrances at Sysco and South Valley Properties will become left-in and right-out only. He noted there has been some consideration to shift the detention pond and drainage ditch at Village Inn. Mr. Komara noted that a copy of the aerial plan can be viewed at the VDOT office. Looking ahead, Mr. Komara indicated acquiring rights-of-way for the project will begin this fall.

Rural rustic road improvements continue on Veters Road (Route 790), Ore Bank Road (Route 708), Whitesel Church Road (Route 689), and Alumnae Drive (Route 331).

Maintenance items included dust control, touchup grading on dirt roads, and asphalt preparation.

Part of Florist Road (Route 637) will be closed for several weeks beginning April 29, to widen the bridge over Quail Run near the town of Elkton. Florist Road will be closed to traffic between Old Spotswood Trail (Route 33 Business) and East Point Road (Route 602) during improvements.

Mr. Komara reported that Administrator King represented the County well with his presentation at the Six-Year Improvement Program meeting on April 22 at Blue Ridge Community College. Administrator King credited Bradford Dyjak and Rhonda Cooper for preparing the presentation and he commended them for their work in submitting Smart Scale and Revenue Sharing project applications.

Supervisor Chandler mentioned that the crosswalks on Shen Lake Drive (Route 689) at the Lakeview Golf Club are in need of repainting. Also, after receiving several calls from citizens, Supervisor Chandler asked if a short division line could be painted on Mountain Valley Road (Route 620) where the road intersects with Indian Trail Road (Route 620).

Supervisor Breeden said citizens continue to express safety concerns about the bridge near Sun Valley on East Side Highway (Route 340). Sun Valley residents indicate the bridge is too narrow to accommodate a passenger vehicle and a tractor trailer at the same time. Supervisor Breeden said there is a large amount of industrial truck traffic in that location. Mr. Komara explained that bridge replacement is based on a grading system, and noted that the bridge at Sun Valley receives a high rating because it remains structurally sound. Mr. Komara said he will continue to bring the concerns to the attention of the appropriate transportation staff.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

Administrator King reported that he recently met with the new Rockingham-Harrisonburg SPCA Executive Director, Huck Nawaz. Mr. Nawaz is planning to attend an upcoming Board meeting to introduce himself to the Board.

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

The Board received and reviewed Mr. Armstrong's Economic Development staff report dated April 24, 2019.

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**ADOPTION OF FISCAL YEAR 2019-2020 BUDGET AND TAX RATES.**

On behalf of the Finance Committee, Supervisor Cuevas commended Schools, County staff, and specifically, Finance Director Davidson for the excellent work in preparing the proposed FY19-20 budget.

Mrs. Davidson reported that the total proposed County budget for FY19-20 is \$392,420,175. She reviewed several changes, which were made after the April 10, 2019, public hearing as follows:

1. An increase to the Shenandoah Valley Juvenile Detention Center in the amount of \$12,589, as the revised amounts were received after the proposed budget.
2. A reduction to the Emergency Communications Center in the amount of \$185,617, as the revised budget from the City came in lower than originally anticipated.
3. A reduction of \$82,402 for the Middle River Regional Jail (MRRJ). The final draft of the budget was approved by the MRRJ Board on April 10.
4. A new position was added to the jail for a Deputy position to assist with the new courtroom.
5. Legal Services personnel changes are reflected in the new budget as the hiring of two new attorneys (one replacing a position, and one new position added in FY19) affected the budget estimates.
6. Miscellaneous changes to contributions to outside agencies increased the budget \$10,000.
7. A decrease to fund balance usage in the amount of \$216,367 was made as the above represented a total budget decrease.
8. An increase to the Water and Sewer fund in the amount of \$3,700,000 to adjust for the allocation transfer from the McGaheysville sewage treatment plant to Harrisonburg Rockingham Regional Sewer Authority and the related modifications required to the treatment plant.

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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 adopted the following FY 2019-2020 budget with the proposed changes as presented:

<b>COUNTY OF ROCKINGHAM, VIRGINIA</b>	
<b>ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2019</b>	
<b>REVENUES</b>	
	<b>FY 2019-20</b>
<u>GENERAL FUND</u>	
General Property Taxes	\$ 91,983,500
Other Local Taxes	12,518,229
Other Local Revenue	12,944,990
State Revenue	17,799,153
Federal Revenue	911,014
Balance Carried Forward	1,569,629
<b>TOTAL GENERAL FUND</b>	<b>\$ 137,726,515</b>
Capital Projects Fund	\$ 2,110,000
Tourism Fund	290,739
School Capital Projects Fund	15,000,000
School Fund	142,085,548
School Cafeteria Fund	5,594,448
Massanutten Technical Center	6,010,013
Asset Forfeiture Fund	121,400
H'burg Rockingham Soc Services District	20,078,778
H'burg Rockingham Children's Services Act	11,266,518
Central Stores Fund	45,000
Self-Funded Health Insurance Plan Fund	31,777,325
Water & Sewer Utilities Fund	13,283,808
Lilly Subdivision Sanitary District	54,751
Smith Creek Water & Wastewater Auth	469,625
Countryside Sanitary District	20,438
Penn Laird Sewer Authority	29,011
Solid Waste Fund	4,708,399
Laird L Conrad Law Library Fund	50,585
Economic Development Authority	4,500
Human Resources Rental Fund	232,774
Emergency Medical Services Transp Fund	1,460,000
<b>TOTAL REVENUES</b>	<b>\$ 392,420,175</b>

<b>EXPENDITURES</b>	
	<b>FY 2019-20</b>
<u>GENERAL FUND</u>	
General Government Administration	\$ 6,800,669
Judicial Administration	4,595,953
Public Safety	31,720,587
Public Works	2,695,246
Human Services	2,585,524
Parks, Recreation & Cultural	2,872,717
Community Development	2,963,654
Contributions	697,492
Contingency	250,000
Other Expenses	80,000
Transfers to Other Funds	70,213,601
Debt Service – County	2,838,563
Debt Service – Schools	9,412,508
<b>TOTAL GENERAL FUND</b>	<b>\$ 137,726,515</b>
Capital Projects Fund	\$ 2,110,000
Tourism Fund	290,739
School Capital Projects Fund	15,000,000
School Fund	142,085,548
School Cafeteria Fund	5,594,448
Massanutten Technical Center Fund	6,010,013
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Laird L Conrad Law Library Fund	50,585
Economic Development Authority	4,500
Human Resources Rental Fund	232,774
Emergency Medical Services Transp Fund	1,460,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 392,420,175</b>

ADOPTED TAX RATES		
Classification of Tax	Actual	Adopted
	2018	2019
Real Estate	\$0.74	\$0.74
Manufactured Home	0.74	0.74
Countryside Sanitary District	0.29	0.29
Personal Property	3.00	3.00
Recreational Vehicles	3.00	3.00
Machinery & Tools	2.55	2.55
Merchants Capital	0.87	0.87
Farm Machinery	0.44	0.44
Consumer Utility Tax, Residential	20% of first \$10	20% of first \$15
Consumer Utility Tax, Non-Residential	20% of first \$100	20% of first \$200

Property taxes are levied for each one hundred dollars of assessed value as of January 1. Property is assessed at fair market value for all classes, except personal property vehicles, which are assessed at loan value, and merchants capital, which is based on 67% of fair market value. Tax rates are effective January 1, 2019.

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On behalf of the Finance Committee, Supervisor Cuevas made a motion to appropriate the FY2019-2020 budget in the amount of \$392,420,175 for expenditure after July 1, 2019.

Supervisor Kyger seconded the motion.

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 appropriated the FY 2019-2020 budget in the amount of \$392,420,175 for expenditure after July 1, 2019.

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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 adopted the proposed changes to the consumer utility tax for residential customers from 20 percent of the first \$10 to 20 percent of the first \$15; and for non-residential customers from 20 percent of the first \$100 to 20 percent of the first \$200; with the understanding that the rate increase requires an ordinance amendment, which will be brought back to the Board after proper advertisement.

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Concerning the proposed surplus policy included in Mrs. Davidson’s staff report, she indicated the policy was developed to provide staff with direction on how to handle surplus items.

Supervisor Cuevas stated that staff should continue to notify local agencies throughout the County of surplus property before disposal. Finance Director Davidson indicated department heads will continue to be encouraged to notify local agencies of surplus property and also pointed out that Section 4 of the surplus policy addresses such agencies.

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 Rockingham County Disposal of Surplus Property Policy:

## **Rockingham County Disposal of Surplus Property**

### Section 1. Overview

The purpose of this policy is to outline the process for selling and disposing of property no longer needed by Rockingham County (County).

### Section 2. Policy

Surplus property of the County is defined as property that is no longer needed by the County. This could be property that has been replaced by a newer model, property that is broken or property that has become obsolete.

The County will dispose of surplus property using different methods, determined by the value of the property being disposed. If items are being sold as a lot, the value of the total lot should be used in determining the value. The Director of the department from which the property originated shall be responsible for determining the value of the property.

- If the property is valued at less than \$100, then the property shall be sent to the landfill to be disposed (recycled if possible).
- If the property is valued at more than \$100 it shall be deemed Significant Valued Property, shall be declared surplus by the Board of Supervisors, and disposed of using one of the methods listed in Section 3.

### Section 3. Significant Valued Property

Surplus property that has a value of \$100 or more must be disposed of by one (1) of the following methods:

- 1) Advertisement on an appropriate government auction site.
- 2) Advertisement in local paper for sealed bids.
- 3) Negotiated sale: When property has not been sold after a sealed bid and it also has not been sold after being placed on a government auction site, it may be sold to any solicitor who has shown an interest in the property. Every effort should be made to collect as high a price as possible for the item being disposed.
- 4) Contracted sale: A contract can be established for the sale of surplus items generated on a continuing basis, such as scrap metal or old meters.
  - a. Such contracts must be advertised in a local paper of general circulation or posted on the County's website to allow for all interested parties to submit a bid for the contract proposal.
- 5) Trade in: When purchasing a new item and the vendor will take the item being replaced as a trade-in, the trade must be full described with model and serial number on the invoice with the trade-in value listed as an offset to the purchase price of the new item.

### Section 4. Donation of Property

Surplus property may be donated to a non-profit agency such as a volunteer fire or rescue department, public or private schools, towns, etc.

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## **PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Rhodes' staff report dated April 24, 2019.

## **PUBLIC WORKS COMMITTEE REPORT**

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 authorized the County Administrator, Assistant County Administrator and Public Works Director to manage the transfer of the McGaheysville Sewer Treatment Plant allocation to the Harrisonburg Rockingham Regional Sewer Authority.

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Per Mr. Rhodes' staff report, Supervisor Kyger inquired about the County's March average flow reading of 4.43 million gallons to the Harrisonburg Rockingham Regional Sewer Authority. Public Works Director Rhodes indicated the flow reading was high due to a meter issue at DanoneWave. Mr. Rhodes indicated buildup was detected in a discharge line, which overcharged the meter. Mr. Rhodes said the meter reading dropped significantly once the drainage line had been cleaned.

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#### **COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Cooper's staff report dated April 24, 2019.

Ms. Cooper reported that Lisa Perry, who served as Environmental and Land Use Manager for a number of years, was promoted to Director of Environmental Services, effective this week.

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Supervisor Chandler recalled that the Board held a work session earlier in the day to address stormwater management issues throughout the County.

Supervisor Chandler motioned for the Board to direct staff to bring a recommendation back to the Board concerning what action the County should take in the Shen Lake watershed to address the stormwater management issues that were made evident last summer. He said, more specifically, the recommendation should look at the formation of an authority, to be treated as a utility authority, which real estate parcels should be included in the authority, what should be paid for by the authority, and how funds should be raised. Additionally, he said the recommendation should include engineering studies to assist the Board in its understanding of specific infrastructure projects needed to address the stormwater issues. The recommendation should include estimates concerning costs of real estate acquisition and infrastructure construction. The recommendation should also include possible partial funding from other governmental sources, he said.

Supervisor Kyger seconded the motion.

Supervisor Wolfe-Garrison added that the focus on this particular area is a result of quantitative information from a 2013 study that shows how the County can move forward in addressing stormwater issues in this area. She emphasized that stormwater management is a County-wide issue that will be addressed from this point forward.

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 directed staff to bring a recommendation to the Board concerning what action the County should take in the Shen Lake watershed to address the stormwater management issues.

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#### **COMMITTEE REPORTS.**

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

##### CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

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 nominated Rhonda Cooper to serve on the Central Shenandoah Planning District Commission Executive Committee.

**FINANCE**

On behalf of the Finance Committee, 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 approved the following FY2019-2020 supplemental appropriation:

**Rockingham Park at the Crossroads – Field Lighting**

The Finance Department posted and Invitation to Bid for field lighting at the Rockingham Park at the Crossroads. The bid closed on Friday, April 19, 2019, with two responses. Staff recommended moving forward with Icon from Farmville, Virginia to light six fields.

Supplemental Appropriation: \$1,100,000

\$1,100,000	GL Code: 1101-09401-00000-000-508359-000	Rockingham Park
\$1,100,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund
\$1,100,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Reserve
\$1,100,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to Capital Fund

For clarification, Mrs. Davidson indicated the contract with Icon will cover the installation for all six fields. The materials will be purchased from Musko. It was noted that there is a considerable savings to the County by installing the field lighting for all six fields at the same time.

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A design-build Request for Proposal for the Port Road Emergency Response Station closed November 13 at 2:00 p.m. with three responses. On December 12, 2018, the Board approved the County Administrator to enter into a contract with Harman Construction to design and build the Port Road Emergency Response Station, not to exceed \$5,000,000. Since that time, the Fire and Rescue Chief has worked with Harman Construction to prepare the contract. After much work and deliberation, the contract amount is expected to be \$5.2 million, which exceeds the original amount not to exceed \$5 million.

The County previously set aside \$1,200,000 cash for the Port Road Emergency Response Station and \$3,800,000 from debt service. The additional \$200,000 is recommended to be funded with cash out of fund reserves.

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 authorized the County Administrator to enter into a contract with Harman Construction in the amount of \$5.2 million to design and build the Port Road Emergency Response Station; and approved the following FY2018-2019 supplemental appropriation:

**Port Road Emergency Response Station**

Supplemental Appropriation: \$200,000

\$200,000	GL Code: 1101-09401-00000-000-508388-000	Port Road Emer. Resp. Station
\$200,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund
\$200,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Reserves
\$200,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to Capital Fund

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**RECESS.**

Chairman Breedon recessed the meeting at 6:53 p.m.

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**RECONVENE.**

At 7:03 p.m., Chairman Breeden reconvened the regular meeting.

Marlin Carr addressed the Board citing his concern that County employees are not equally compensated, and also requested that the County advertise job openings in the *Daily News Record* or on WHSV-TV for all citizens to see.

In response to Mr. Carr's concerns, County Attorney Miller explained that salaries for Constitutional Officers are set by the State Compensation Board and are typically shared by the City and County. Mr. Miller indicated there has been, and typically are, County-wide salary increases across the Board for employees. Mr. Miller explained that the County has utilized outside contractors to study its payroll structure as compared to other localities of similar size. Many salary changes made in the last year are pursuant to those studies, he said. County job openings are posted on the County's website and are already advertised in the *Daily News Record*.

In response to questions involving specific positions and salaries, Administrator King encouraged Mr. Carr to visit the office anytime.

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**PUBLIC HEARING – REZONINGS.**

At 7:11 p.m., Chairman Breeden opened the public hearing and Director of Planning Dyjak reviewed the following requests:

AFDM19-034 Request by F. Wayne & Betty J. Cupp, 4729 Fulton School Road, Dayton, VA 22821, to remove 72.75 acres from the Ottobine Agricultural and Forestal District. The parcel is identified as Agricultural Reserve in the Comprehensive Plan with a zoning designation of A-1 Prime Agricultural, Tax Map Parcel #104-(A)-L12, Election District #4.

By a 3 to 0 vote on April 2, 2019, the Agricultural and Forestal District Advisory Committee recommended approval. By a 5 to 0 vote on April 2, 2019, the Planning Commission recommended approval.

Mr. Wayne Cupp explained the request to rezone the property is so that he and his wife are able to sell their farm, but continue to live in their home on a 2 acre-portion of the property.

No one spoke in favor or in opposition to the request.

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REZ18-360 SCAKL, L.C., 4125 Tanners Court, Harrisonburg, VA 22802 is requesting to amend an existing approved Master Plan totaling approximately 56 acres by adding 6 lots within the Meadowbrook Subdivision located at N. Valley Pike (US 11) at its intersection with Suffolk Drive. The parcel is zoned R-5 (Planned Neighborhood) identified in the Comprehensive Plan as Mixed Use Center in the Urban Growth Area, Tax Map #95E-(A)-L55B, Election District 2.

The Planning Commission recommended approval by a vote of 5-0 on March 5, 2019.

Sam Huffman, the applicant and developer of Meadowbrook Subdivision, explained that when the development began in 2005, he was under the impression that future development would not need to meet new stormwater requirements. Mr. Huffman said his request to add six additional lots is so that he can recover some of the cost he will bare in meeting stormwater regulations for the remaining lots.

No one spoke in opposition to the request.

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REZ18-361 Cosner Investments, LLC, P.O. Box 609, Broadway, VA 22815, request to rezone a 5.9 acre-portion of a 10-acre parcel located on the southeast side of Boyers Road (Route 704) approximately 0.5 mile south of Stone Spring Road (VA 280) from A-2 (General Agricultural) to PMF (Planned Multi-Family). The parcel is identified in the Comprehensive Plan as Community Residential in the Urban Development Area, Tax Map #125-(A)-L220B, Election District #3.

The Planning Commission recommended approval by a vote of 5-0 on March 5, 2019.

Applicant, Randy Cosner was available for questions.

Seth Roderick, with Monteverde Engineering & Design Studio, played a video visualizing the development and reviewed the details of the project.

In response to a question from Supervisor Wolfe-Garrison, Mr. Cosner indicated he does not have an estimated purchase price for the condos at this time.

No members of the public spoke in opposition to the request.

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Director of Planning Dyjak reviewed REZ19-039 and SUP19-056 together, as the requests involve the same applicant.

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REZ19-039 BSE Investments, LLC, 7727 Garland Circle, Roanoke, VA 24019 request to rezone a 1.484-acre parcel located at 255 Cecil Wampler Road (Route 704), approximately ¼ mile southeast of South Valley Pike (U.S. Route 11) from B-1C General Business district with conditions to I-1C Industrial district. The parcel is identified within the Comprehensive Plan as Industrial, Tax Map Parcel #123-(7)-2, Election District #2.

The Planning Commission recommended approval of REZ19-039 on April 2, 2019, by a vote of 5-0.

SUP19-056 BSE Investments, LLC, 7727 Garland Circle, Roanoke, VA 24019 for an automotive paint and supply distribution facility on property located on the north side of Cecil Wampler Road (Route 704) approximately ¼ mile southeast of South Valley Pike (U.S. Route 11, Election District #2, zone B-1C to be rezoned to I-1C. Tax Map #123-(7)-2. Property Address: 255 Cecil Wampler Road.

Mike Henry, Operations Manager of Blue Ridge Color Company said the Company has been operating in the County for the past ten years and is looking to expand. He pointed out that no actual paint production occurs at the facility. Materials are received and either split or mixed. He emphasized that all proper hazmat, environmental, and disposal regulations are met.

No citizens spoke regarding either REZ19-039 or SUP19-056.

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Chairman Breeden closed the public hearing at 8:06 p.m.

AFDM19-034

Supervisor Kyger stated that with respect to the landowner, the Agricultural and Forestal District, and the Planning Commission, he would make a motion to approve the request.

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 adopted the following ordinance amendment:

**ORDINANCE REPEALING  
AND RE-ENACTING  
SECTION 17-508.02  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-508.02. Description of the Ottobine Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

**17-508.02. Description.**

The Ottobine Agricultural and Forestal district shall consist of the following land: thirty two (32) parcels spanning one thousand six hundred eighty four (1,684) acres core area west of Ottobine in the southwestern portion of Rockingham County. In relation to the other nearby agricultural-forestal districts, the district is west of Dry River, northwest of Spring Creek and southwest of Western Rockingham. The district is compact rather than sprawling, extending in the north to Wheelbarger Hollow (Layman Hollow Lane), in the northeast to Union Springs Road, and to Briery Branch in the south. An isolated one-acre parcel, surrounded by the Spring Creek Agricultural and Forestal district, is even farther south at the southeast junction of Briery Branch Road and Spring Creek Road (Route 613). In the east, the district is adjacent to Ottobine Elementary School and on the west borders George Washington National Forest. The following parcels shown on county real estate maps, as of the effective date of this district, are part of the Ottobine district and numbered as:

89-(A)- L35A1, 90-(A)- L101, 90-(A)- L101A, 90-(A)- L102, 90-(A)- L103, 103-(A)- L171C, 103-(A)- L173, 104-(A)- L1, 104-(A)- L1C, 104-(A)- L8, 104-(A)- L13, 104-(A)- L14, 104-(A)- L14A, 104-(A)- L16, 104-(A)- L16A, 104-(A)- L19, 104-(A)- L20, 104-(A)- L21, 104-(A)- L22, 104-(A)- L23, 104-(A)- L24, 104-(A)- L24A, 104-(A)- L25, 104-(A)- L127A, 104-(A)- L133, 104-(A)- L133B, 104-(A)- L134, 104-(A)- L136A, 104-(A)- L136A1, 104-(A)- L137, 104-(A)- L145A, and 104-(A)- L146.

This ordinance shall be effective from the 24<sup>th</sup> day of April, 2019.

Adopted the 24<sup>th</sup> day of April, 2019.

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REZ18-360

Supervisor Wolfe-Garrison acknowledged that the timespan when the applicant acquired the property was unfortunate due to an economic downturn; however, she said he continued to build in the County. Additionally, Supervisor Wolfe-Garrison said that in light of the fact that Mr. Huffman is accommodating new, improved stormwater requirements, she would motion for approval.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, 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 REZ18-360 SCAKL, L.C., 4125 Tanners Court, Harrisonburg, VA 22802 to amend an existing approved Master Plan totaling approximately 56 acres by adding 6 lots within the Meadowbrook Subdivision located at N. Valley Pike (US 11) at its intersection with Suffolk Drive. The parcel is zoned R-5 (Planned Neighborhood) identified in the Comprehensive Plan as Mixed Use Center in the Urban Growth Area, Tax Map #95E-(A)-L55B, Election District 2.

*(A copy of the revised Master Plan is attached to and made a part of the minutes)*

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REZ18-361

Supervisor Chandler indicated the rezoning request is part of the urban growth area, and is compatible with the County's Comprehensive Plan. He expressed appreciation to the applicant for the extra efforts related to stormwater management.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, 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 proffers, approved REZ18-361 Cosner Investments, LLC., P.O. Box 609, Broadway, VA 22815, to rezone a 5.9 acre-portion of a 10-acre parcel located on the southeast side of Boyers Road (Route 704) approximately 0.5 mile south of Stone Spring Road (VA 280) from A-2 (General Agricultural) to PMF (Planned Multi-Family). The parcel is identified in the Comprehensive Plan as Community Residential in the Urban Development Area, Tax Map #125-(A)-L220B, Election District #3.

*(A copy of the revised Master Plan is attached to and made a part of the minutes)*

Proffers:

Applicant hereby proffers that the use and development of this property shall be in strict accordance with the following conditions:

1. The development shall be designed in general conformance with the Master Plan of Development associated with this rezoning request, as prepared by Monteverde Engineering & Design Studio and dated October 28, 2018.
2. The development shall consist of no more than 86 condominiums containing 1-3 bedrooms each, with no more than 186 bedrooms total.
3. Right-of-way along Boyers Road (Route 704), measuring a minimum of 25' from centerline or 1' beyond public road/trail improvements, whichever is more, shall be dedicated to the public prior to the issuance of any new occupancy permit associated with the development.
4. The entrance on Boyers Road shall measure 60' in length, minimum, between edges of connecting pavements, and shall incorporate a landscaped median measuring 10' in width, minimum.
5. A public shared-use trail shall be constructed along right-of-way frontage to Boyers Road, concurrent with the initial phase of development. Design of shared use trail shall conform to VDOT minimum standards.
6. A right-turn lane measuring approximately 150' in length (100' storage + 50' taper) shall be constructed, concurrent with initial phase of development, to serve primary entrance on Boyers Road. A marked bus stop shall be placed adjacent to the turn lane for the purpose of serving public school buses.
7. For the purpose of allowing inter-parcel connectivity between the subject parcel and those to the north and south, two roadway stubs shall be constructed, concurrent with initial development of surrounding area, as generally depicted on

the associated Master Plan of Development. These connections may be relocated during design, if determined appropriate to better accommodate grading and infrastructure improvements. Upon development of adjoining parcel(s), owner of subject property will enter into a reciprocal easement agreement with the neighboring property owner to allow for connection to constructed roadway stubs and access between parcels and associated entrances served by Boyers Road.

8. Common areas shall be improved, concurrent with initial development of surrounding area, by a combination of hardscaped pathways, landscaped areas, and amenities, as generally depicted on the Master Plan of Development. Amenities shall include, at a minimum, a gazebo-style shelter, common-use charcoal grills, and benches.
9. Principal structures:
  - a. Principal structures shall be in substantial conformance to the stylings presented as Attachment A
  - b. Stone or masonry materials shall be used to cover at least 30% of facade (gross facade measurement shall not include windows and doors).
  - c. Elements of exterior facades (including cladding, trim, and doors) shall include a minimum of 3 colors.
  - d. Front porches shall be one-story in height, and at least 5' deep.
  - e. Foundation planting beds shall be provided along the front facades of each dwelling unit.
10. Site design will accommodate a 15% reduction in stormwater (referenced by the max flowrate during a 10-year storm event) presently leaving the site in the direction of the Congers Creek watershed (east and south of site).
11. Certificates of Occupancy for the first two buildings shall not be granted prior to June 1, 2020, while those for the final two buildings shall not be granted prior to June 1, 2021.

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REZ19-039

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, 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 proffers, approved REZ19-039 BSE Investments, LLC., 7727 Garland Circle, Roanoke, VA 24019 to rezone a 1.484-acre parcel located at 255 Cecil Wampler Road (Route 704), approximately ¼ mile southeast of South Valley Pike (U.S. Route 11) from B-1C General Business district with conditions to I-1C Industrial district with conditions. The parcel is identified within the Comprehensive Plan as Industrial, Tax Map Parcel #123-(7)-2, Election District #2.

Proffers:

The use and development of this property shall be in strict accordance with the following condition with uses limited to:

1. agriculture
2. animal hospital, animal shelter
3. auction facility
4. cabinet, furniture, woodworking, upholstery shop
5. carpet and rug cleaning service
6. church
7. college
8. company store
9. contractor's operation

10. convenience store
11. daycare, child
12. electronic data storage or processing center
13. farm building
14. fitness center
15. home business
16. industry, heavy
17. industry, light
18. laundry, commercial or industrial
19. livestock sales facility
20. machinery and equipment center
21. mail services
22. medical office or clinic
23. metal-working facility
24. mini-storage facility
25. motor vehicle repair shop
26. motor vehicle sales lot
27. motor vehicle tow service (not an impound lot or automobile graveyard)
28. nursery
29. office
30. public safety facility
31. recreational vehicle storage area
32. research facility
33. retail use
34. school
35. seed and feed store
36. small appliance or small engine repair shop (not an appliance and small engine graveyard)
37. sports complex
38. warehouse
39. wireless telecommunications facility

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SUP19-056

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, 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, subject to the following conditions, approved SUP19-056 BSE Investments, LLC, 7727 Garland Circle, Roanoke, VA 24019 for an automotive paint and supply distribution facility on property located on the north side of Cecil Wampler Road (Route 704) approximately ¼ mile southeast of South Valley Pike (U.S. Route 11, Election District #2, zone B-1C to be rezoned to I-1C. Tax Map #123-(7)-2. Property Address: 255 Cecil Wampler Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. The memorandum of connectivity submitted by the applicant shall be binding and shall become a condition of this special use permit. As a result of determination of this memorandum, all VDOT requirements shall be met.
4. VDOT reserves the right to require additional modification as warranted by the site specific conditions and is a part of the approval of this permit. All VDOT requirements shall be met.
5. All requirements of the Rockingham County Fire Prevention Code shall be met.
6. All requirements of the Public Works Department shall be met and shall be determined at site plan level.

7. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and no building permits shall be issued until such time as a site plan is approved.
8. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
9. There shall be no off-premise signs permitted unless all County and State regulations are met.
10. Parking shall comply with the Rockingham County Code.
11. As stated by the applicant on the application, the hours of operation shall be from 8 a.m. to 5 p.m. Monday through Friday.
12. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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**PUBLIC HEARING – ORDINANCE AMENDMENTS.**

At 8:13 p.m., Chairman Breeden opened the public hearing and Mr. Getz reviewed the following ordinance amendments:

OA19-025      Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-806.01, Area, Setback, and Height Standards, Conventional Districts: to increase the maximum height of primary structures and accessory structures on all industrial property to 60'.

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OA19-038      Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-804. Height Exemption: to clarify the types of tanks and towers that are exempted from the height regulations.

No members of the public spoke regarding either of the ordinance amendments presented.

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Chairman Breeden closed the public hearing at 8:17 p.m., followed by a motion from Supervisor Wolfe-Garrison for approval of OA19-025 and OA19-038.

Seconded by Supervisor Cuevas, 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 adopted the following ordinance amendments:

**ORDINANCE AMENDING  
TABLE 17-806.01  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Table 17-806.01 Area, Setback, and Height – Conventional be and is hereby amended as follows:

Table 17-806.01 Area, Setback, and Height – Conventional

I-1, Industrial, in the “Primary structures” row, under the “Maximum Building Height” column, remove all the current language and replace it with “60 feet”.

I-1, Industrial, in the “Accessory structures, which are no greater square footage than primary structure” row, under the “Maximum Building Height” column, remove all the current language and replace it with “60 feet”.

This ordinance shall be effective from the 24th day of April, 2019.

Adopted the 24th day of April 2019.

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**ORDINANCE REPEALING  
AND  
REENACTING  
SECTION 17-804  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

Article VIII. Area, Setback, and Height Standards

That Section 17-804 Height exemption be repealed and reenacted as follows:

Section 17-804. Height exemption.

- (a) Height limitations, unless otherwise limited by this chapter, shall not apply to water storage tanks, wind energy towers, wireless telecommunication towers, conveyors, farm buildings, steeples, flagpoles, antennae, smokestacks, and public monuments.
- (b) Structures may exceed the maximum height only by special use permit.

This ordinance shall be effective from the 24th day of April, 2019.

Adopted the 24th day of April 2019.

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**CLOSED MEETING.**

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 8:18 p.m. to 9:01 p.m., for a closed meeting pursuant to 2.2-3711.A, (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community; and (7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MOTION: SUPERVISOR KYGER  
SECOND: SUPERVISOR CHANDLER

RESOLUTION NO: 19-03  
MEETING DATE: APRIL 24, 2019

**CERTIFICATION OF CLOSED MEETING**

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

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

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

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

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**ADJOURNMENT.**

Chairman Breedon declared the meeting adjourned at 9:01 p.m.

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Chairman