

July 17, 2019

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 17, 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
MICHAEL A. BREEDEN, Election District #5

WILLIAM B. KYGER, JR., Election District #4 was absent

Also present:

BRYAN F. HUTCHESON, Sheriff

STEPHEN G. KING, County Administrator
THOMAS H. MILLER, JR., County Attorney
CASEY B. ARMSTRONG, Assistant County Administrator
RHONDA H. COOPER, Director of Community Development
PATRICIA D. DAVIDSON, Director of Finance
KIRBY W. DEAN, Director of Parks & Recreation
JENNIFER J. MONGOLD, Director of Human Resources
TERRI M. PERRY, Director of Technology
PHILIP S. RHODES, Director of Public Works
BRADFORD R. R. DYJAK, Director of Planning
KELLY S. GETZ, Deputy Zoning Administrator and Code Compliance Officer
DIANE LEPKOWSKI, Deputy Zoning Administrator and Deputy Subdivision Agent
LISA K. PERRY, Director of Environmental Services
DIANA C. STULTZ, Zoning Administrator
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
JOSHUA W. DUNLAP, Assistant Residency Administrator
Virginia Department of Transportation

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

Chairman Breeden called the meeting to order at 3:01 p.m.

Chairman Breeden provided the Invocation and Director of Public Works Rhodes led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of June 26, 2019.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated July 12, 2019.

Administrator King brought attention to a request for the Board to provide a letter of support for Rockingham Eye Physicians and Associates PC's Certificate of Public Need application.

Supervisor Cuevas indicated providing a letter of support is a good thing to do, as it will be beneficial for citizens. He suggested that two County representatives sign the letter.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board authorized the Chairman and County Administrator to sign a letter supporting Rockingham Eye Physicians and Associates PC's application for a Certificate of Public Need for ophthalmological services.

Administrator King provided an update on the 2020 Census. He reminded the Board that Supervisor Kyger serves on the Census Complete Count Committee as the Board representative and Bradford Dyjak serves as the staff representative. Administrator King noted there is more student-focused housing on Reservoir Street and Port Republic Road than there was during the 2010 Census, and students will be counted where they reside on April 1, 2020. The County will receive \$2,000 per year in federal funding for each person counted in the County.

In response to a question from Supervisor Cuevas, Administrator King said the County will receive federal funding for all residents, including the students counted in 2020 until the next Census in 2030.

Administrator King indicated the County is working with Schools on the communications radio station. Staff will provide the Board with more information after they obtain the numbers and scope of the project.

Administrator King indicated the County has a Safety Committee led by Human Resources. A sub-committee consisting of Assistant County Administrator Armstrong and Community Development staff knowledgeable about the building code will assess building security by identifying areas of the Administration Center that should only be accessible to employees, and will be accessed with card readers or key fobs. The committee suggested installing cameras to be more aware of what occurs in the building and there could also be changes in the Board of Supervisors Meeting Room, Administrator King said. During the assessment process, staff will consult with the Sheriff's Department and others to develop a plan, while recognizing that the Administration Center is a public building and access needs to be provided to the public. The committee hopes to present a plan within the next thirty days, he said.

Supervisor Cuevas asked about the installation of cameras at the entrance to the Administration Center and in the parking lot. Administrator King said that is being considered.

In response to a question from Supervisor Wolfe-Garrison, Administrator King said he does not anticipate physically relocating employees at this time. An addition on the east side of the building with drive-thru access to the Treasurer and Commissioner of the Revenue offices has been discussed in the past, but will not occur at this time. The current plan is to limit public access to the back hallway so the public can visit the Treasurer and Commissioner of the Revenue's offices. Administrator King noted that the receptionist is retiring and some level of protection may be provided there.

Assistant County Administrator Armstrong noted that one increased safety measure is to keep more doors locked to restrict access to certain portions of the building.

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TRANSPORTATION DEPARTMENT.

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

Mr. Komara noted a pre-construction conference was held earlier in the day for the North Valley Pike (Route 11) bridge project over I-81. He noted the project should be completed in July of 2021.

Paving began on the southbound lanes of I- 81 and the rest area will be closed for a couple days to pave around it. Work will begin on the under drains for the northbound lanes the week of July 22nd.

Traffic counts and accident data collected on Erickson Avenue (Route 726) will be evaluated over the next couple of weeks.

In response to a question from Supervisor Wolfe-Garrison, Sheriff Hutcheson noted there was not a tremendous influx in citations along Erickson Avenue shortly after an accident. Mr. Komara noted VDOT is tracking speed and determining the amount of truck and car traffic.

Recent maintenance items included grading repairs due to erosion on gravel roads after heavy rains. Mr. Komara noted VDOT has started on the second round of mowing.

VDOT employees competed in the annual truck rodeo, and two employees will represent the Staunton District at the state competition. This indicates these employees are skilled in their jobs, Mr. Komara said.

Supervisor Chandler asked Mr. Komara to inform VDOT staff that they did a good job on Ore Bank Road (Route 708). He reminded Mr. Komara of traffic issues on Main Street in Port Republic and requested an additional speed limit sign halfway down the street and adding "Increased Speeding Fine" signs above the 25-mile per hour speed limit sign at each end of Port Republic. Mr. Komara will determine if Board action is needed for the signs.

Chairman Breeden said Massanutten Resort residents asked if the flashing left arrow on Resort Drive (Route 644) can remain on 24-hours a day. Mr. Komara said time-of-the day restrictions are placed on some flashing arrows and he was aware there had been an accident on Resort Drive. Chairman Breeden indicated he was not sure if he agrees with having a left turn arrow there. Mr. Komara said motorists have to anticipate the speed of oncoming traffic which is traveling at 55 miles per hour or more. Mr. Komara received numerous phone calls regarding close calls at the Spotswood Trail (Route 33)/Resort Drive (Route 644) intersection. He will find out what the time restrictions are at that intersection.

Chairman Breeden informed Mr. Komara of a call from a citizen on Hensley Hollow Road (Route 622). VDOT has the required pipe and Mr. Komara will find out when it will be installed along Hensley Hollow Road.

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board adopted the following Resolution:

The Glen at Cross Keys Subdivision – Route 1114 (Callaway Circle and Macallister Way) and Route 1115 (Berwick Drive) – STREET ADDITION(S)

The Board of Supervisors of Rockingham County, in regular meeting on the 17th day of July, 2019, adopted the following:

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater management which applies to this request for addition, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests that the Virginia Department of Transportation add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

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

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Economic Development & Tourism staff report.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated July 12, 2019.

Mrs. Davidson asked permission for staff to post a Design-Build Request for Proposals (RFP) for a pavilion with restrooms near the playground at Rockingham Park at the Crossroads. She noted there are funds to cover the expenditure. If approved, the RFP will be posted on July 18, 2019, with a due date of August 9, 2019 at 2:00 p.m.

Supervisor Cuevas made a motion to approve a Design-Build Request for Proposals for a pavilion with restrooms at Rockingham Park at the Crossroads, with the inclusion of a water fountain. The motion was seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board approved a Design-Build Request for Proposals for a pavilion with restrooms, and a water fountain at Rockingham Park at the Crossroads.

On motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board declared the following items as surplus or to be discarded:

Items to Declare Surplus – July 2019

Description	Quantity
1998 Dodge Stratus	1
HSM Classis 225.2 Shredder	1

Items to Discard

Description	Quantity
Chair #9	1
Cork Board	1
Shelf Stand #23	1
Shelf Stand #24	1
Desk #26	1
Desk #27	1
TV Stand/Mount #29	1
Desk #30	1
Desk #31	1
Printer #32	1
Desk #34	1
Wall Shelf #43	1
Envelope Feeder for HP Printer #50	1
Chair #51	1
Chair #52	1
Stand with Shelves	1
Metal Black Desk	2
Round Table	1
Red Chair	1

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated July 17, 2019. She reported that Anthem was the only company that responded to the health insurance bid. County and Schools staff recommended increasing health insurance premiums for the upcoming plan year beginning October 1, 2019, resulting in a monthly increase of \$2 - \$10 per tier to employees. She noted the County will pay over \$1 million more for the year.

Staff recommends a plan change to increase the cost of Emergency Room visits from \$100 to \$250, to encourage employees to visit urgent care facilities, which are less expensive than emergency rooms.

There were eight responses to the bid for the dental plan and all of them presented significant increases to premiums, on average over 40 percent. After negotiating with finalists, Met Life, who underbid to obtain the County and Schools business three years ago, offered plan changes and a final premium increase of 24.8 percent. Met Life plan changes are geared toward American Dental Association guidelines and they will pay less for out-of-network dentists. Mrs. Mongold noted there are quite a few in-network dentists in the area.

Mrs. Mongold said the County is working on a plan that encourages employees to have physicals and wellness checks. If instituted, next year’s rates will reflect the wellness initiatives. She stated the County has discontinued use of the mobile health application.

Administrator King added that employees pay 100 percent of the dental plan. He also noted the County is self-insured so all participants contribute toward the expense of claims and payments; participants are paying for the claims, not Anthem.

Mrs. Mongold said open enrollment will be August 1 - 16, 2019, with the new plan year effective October 1, 2019.

In response to questions from Supervisor Wolfe-Garrison, Mrs. Mongold said she believes other companies did not bid on the health insurance plan after looking at the claims

history, noting that there have been high claims in previous years. However, this past year was not high. One vendor does not have a contract with the University of Virginia (UVA), which is frequently utilized by County employees. Sentara RMH, Augusta Medical Center, UVA and Winchester Medical Center are the hospitals most often used by County employees. Mrs. Mongold noted approximately \$10 million in claims are paid to RMH annually.

On behalf of the Finance Committee, Supervisor Cuevas made a motion to accept the Anthem and MetLife Dental bids as recommended by the Human Resources Director. Supervisor Chandler seconded the motion.

Supervisor Cuevas said he has had ongoing conversations with Anthem and Human Resources staff recently, and they have been very helpful. He noted Anthem deals with a lot of companies, but has been very cooperative in working with staff and answering questions.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board:

- 1) Awarded the health insurance contract to Anthem and dental insurance contract to MetLife for the plan year 2019-2020, effective October 1, 2019, at the rates listed below;
- 2) Authorized changing the plan to increase the cost of Emergency Room visits from \$100 to \$250; and
- 3) Authorized continuing the High Deductible Health Plan option

Anthem KC20	2018-19 Employee	2018-19 County	2018-19 Total	2019-20 Employee	2019-20 County	2019-20 Total
Employee Only	\$64	\$576	\$640	\$66	\$602	\$668
Employee + Spouse	\$350	\$996	\$1,346	\$356	\$1,044	\$1,400
Employee + 1 Child	\$276	\$786	\$1,062	\$280	\$820	\$1,100
Employee + Children	\$410	\$1,168	\$1,578	\$420	\$1,230	\$1,650
Employee + Family	\$470	\$1,338	\$1,808	\$480	\$1,400	\$1,880
HDHP	2018-19 Employee	2018-19 County	2018-19 Total	2019-20 Employee	2019-20 County	2019-20 Total
Employee Only	\$32	\$480	\$512	\$40	\$480	\$520
Employee + Spouse	\$175	\$902	\$1,077	\$180	\$940	\$1,120
Employee + 1 Child	\$138	\$711	\$849	\$146	\$766	\$912
Employee + Children	\$205	\$1,057	\$1,262	\$212	\$1,110	\$1,322
Employee + Family	\$235	\$1,211	\$1,446	\$242	\$1,270	\$1,512
HSA		\$750 for employee only; \$1,500 for employee plus dependent options	\$750 for employee only; \$1,500 for employee plus dependent options		\$750 for employee only; \$1,500 for employee plus dependent options	\$750 for employee only; \$1,500 for employee plus dependent options

MetLife Dental Rates			
100% Employee Paid		10/1/2019 Monthly	10/1/2019 Per Pay Check
Employee Only		\$ 32.48	\$ 16.24
Employee + Spouse		\$ 60.44	\$ 30.22
Employee + Child		\$ 60.44	\$ 30.22
Employee + Children		\$ 95.60	\$ 47.80
Employee + Family		\$ 95.60	\$ 47.80

Administrator King noted the County coordinates the insurance proposals with Schools.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated July 17, 2019.

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PUBLIC WORKS COMMITTEE.

Mr. Rhodes reviewed a request to purchase a Model 308 CAT mini excavator for \$119,787 and a CAT articulated off-road dump truck model 725 for \$347,862 from Carter Machinery at a total cost of \$467,649.

Supervisor Cuevas indicated the 2019-2020 budget includes \$475,000 for this purchase.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board approved the purchase of an off-road dump truck for \$347,862 and mini excavator for \$119,787 from Carter Machinery, at a total cost of \$467,649.

It was noted that the 2019-2020 budget includes \$475,000 for this purchase.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated July 17, 2019. She brought to the Board's attention that the County's Insurance Services Office (ISO) evaluation improved from Level 4 to Level 3 for residential and commercial, which is very unusual for a rural County to achieve.

Ms. Cooper said staff wants to review the wireless telecommunications requirements and compare them with the County Code's Wireless Telecommunications Facilities supplemental standards within Chapter 17, Article VI "Zoning Code: Land Uses" to determine what updates are necessary to comply with the State.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board authorized Community Development staff to review the Wireless Telecommunications Facilities supplemental standards in the County Code to ensure they are consistent with recent updates to the Code of Virginia limiting the scope of review for local governments of such facilities.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated July 2019.

Mrs. Perry indicated a problem was detected earlier in the day, and informed the Board and staff that they should ignore requests to run updates. Community Development will reboot the system to correct this issue soon.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated July 2019.

Administrator King noted Chief Holloway was not in attendance as he was looking at a fire truck that will be delivered soon.

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PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated July 3, 2019.

In response to a question from Supervisor Chandler, Mr. Dean indicated field lighting testing will occur soon, possibly later in the day.

Supervisor Wolfe-Garrison asked if someone traveling through the area can reserve the fields on line to conduct a tournament. Mr. Dean said people should contact him or Park Manager Marco Knorr regarding the availability of the fields and cost. Currently, three travel teams practice at the park during the week so the field schedule is full for this year, but Mr. Dean indicated this may be a consideration for the summer of 2020.

In response to a question from Supervisor Cuevas regarding liabilities incurred, Mr. Dean said the County has insurance coverage and parties renting the field have to present the County with a Certificate of Coverage.

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COMMITTEE REPORTS.

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

BUILDINGS AND GROUNDS

Supervisor Chandler said the Buildings and Grounds Committee will meet on August 8, 2019.

CHAMBER OF COMMERCE

Supervisor Wolfe-Garrison said the Chamber continues to look at their membership and increasing growth in the area.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison indicated the library committee was meeting at 7:00 that evening.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Armstrong attended the annual SVP meeting earlier in the day and met Shenandoah Valley Partnership’s new Business Development Manager, Travis Carter. Mr. Armstrong provided Board members with a copy of the Shenandoah Valley Partnership 2018-19 Annual Report and indicated the SVP is in a strong position. He reported that the Merck expansion was featured heavily in the annual meeting presentation.

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CLOSED MEETING.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board recessed the meeting from 3:55 p.m. to 4:11 p.m., for a closed meeting pursuant to 2.2-3711.A, (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 CHANDLER
SECOND: SUPERVISOR CUEVAS

RESOLUTION NO: 19-07
MEETING DATE: JULY 17, 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, WOLFE-GARRISON
NAYS: NONE
ABSENT: KYGER

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RECESS.

Chairman Breedon recessed the meeting for dinner at 4:11 p.m.

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 6:04 p.m., Chairman Breedon opened the public hearing and Zoning Administrator Stultz reviewed the following staff-generated proposed ordinance amendments:

- OA19-118 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-606 (Land Use and Zoning Table) removing “contractor’s operation” as a permitted use from the B-2 (Neighborhood Business) zoning district and adding it as a permitted use in the B-1 (General Business) zoning district. This amendment also changes “contractor’s operation, small” from a

permitted used in the A-2 zoning district to a special use in the A-2 (General Agricultural) zoning district.

Concurring with staff's recommendation, by a 5 to 0 vote on July 2, 2019, the Planning Commission recommended approved of the proposed ordinance amendment.

No one spoke regarding the ordinance amendment.

OA19-133 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 to add the definition of cemetery, adjoining a church or other place of worship and to amend Table 17-606 Land Use and Zoning Table to allow cemeteries adjoining a church or other place of worship as an accessory use in zoning districts where churches are a permitted use (A-1, A-2, RV, RR-1, R-3, PSF, PMF, PG, R-4, R-5, MXU, B-1, B-2, PCD, and PMR). This amendment would also allow cemeteries adjoining a church or other place of worship by special use permit in zoning districts where churches require a special use permit (R-1, R-2, I-1, and PID).

Ms. Stultz noted that, if approved, Table 17-606, Land Use and Zoning Table, will be updated so that a cemetery is an accessory use in districts where a church is permitted. If the church is by special use permit, the cemetery is also by special use permit.

Concurring with staff's recommendation, by a 5 to 0 vote on July 2, 2019, the Planning Commission recommended approval of the proposed ordinance amendment.

No one spoke regarding the ordinance amendment.

OA19-134 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-806.01 Area, Setbacks and Height standards - Conventional to reduce the minimum lot size in the A-1 (Prime Agricultural) and the A-2 (General Agricultural) from one acre to 20,000 square feet if connected to public sewer.

Ms. Stultz noted that if the property is on public sewer, the additional lot size is not needed.

Concurring with staff's recommendation, by a 5 to 0 vote on July 2, 2019, the Planning Commission recommended approval of the proposed ordinance amendment.

Supervisor Wolfe-Garrison asked if the proposed amendment is needed because some properties do not have the proper setbacks. Ms. Stultz responded that this language was inadvertently omitted during the 2014 rewrite of the County Code. Since only 20,000 square feet is needed if a parcel is on public water and sewer, staff realized that if all lots are an acre, the County has created non-conforming lots. An acre is required to allow enough space when there is a septic system on the lot.

No one from the public spoke regarding the ordinance amendment.

Chairman Breeden closed the public hearing at 6:10 p.m.

On motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by roll call a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendments:

**ORDINANCE AMENDING
TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Table 17-606, Land Use and Zoning Table be and hereby is amended as follows:

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply	Table 17-606. Land Use and Zoning Table																					
	A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PMF	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	PID	S-1
Cemetery, adjoining a church or other place of worship	A	A	A	A	SU	SU	A	A	A	A	A	A			A	A	A	A	A	SU	SU	
Contractor's operation																P				P	P	
Contractor's operation, small	SU*	SU*	P*																			

These uses shall be inserted alphabetically in Table 17-606.

All other parts of Table 17-606 are re-affirmed.

This ordinance shall be effective from the 17th day of July, 2019

**ORDINANCE AMENDING
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. Definitions, generally be and hereby is amended by adding the following definition of “Cemetery, adjoining a church or other place of worship”:

Section 17-201. Definitions, generally

Cemetery, adjoining a church or other place of worship. A cemetery (as defined immediately above) owned by the church or other place of worship and being on the same property or on property immediately adjoining or across a road from the church or other place of worship.

This new definition shall be inserted alphabetically in Section 17-201.

All other definitions are re-affirmed.

This ordinance shall be effective from the 17th day of July, 2019.

**ORDINANCE REPEALING
AND
RE-ENACTING
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, Setbacks, and Height Standards – Conventional be and hereby is repealed and re-enacted as follows:

17-806.01 Area, Setbacks, and Height Standards – Conventional

In the A-1 and A-2 zoning districts, under minimum lot size for primary structures, after 1 acre, add 20,000 sq. ft. if on public sewer.

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
Conventional Districts						
A-1, Prime Agricultural						
Primary structures	1 acre 20,000 sq. ft. if on public sewer	100 feet	See footnote.*	15 feet	25 feet	45 feet
Accessory dwellings	--	--	No closer than primary structure.	15 feet	25 feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	See footnote.*	5 feet	5 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	See footnote.*	15 feet	25 feet	45 feet
A-2, General Agricultural						
Primary structures	1 acre 20,000 sq. ft. if on public sewer	100 feet	See footnote.*	15 feet	25 feet	45 feet
Accessory dwellings	--	--	No closer than primary structures	15 feet	25 feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	See footnote.*	5 feet	5 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	See footnote.*	15 feet	25 feet	45 feet

All other parts of Table 17-806.01 are re-affirmed.

This ordinance shall be effective from the 17th day of July, 2019.

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PUBLIC HEARING REGARDING A RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA TO CREATE THE LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY.

At 6:11 p.m., Chairman Breeden opened the public hearing and County Attorney Miller reviewed “A Resolution of the Board of Supervisors of Rockingham County, Virginia to Create the Lake Shenandoah Stormwater Control Authority”. He indicated if the Board chooses to adopt the draft ordinance, a stormwater control authority will be established under the provisions of Section 15.2-5104 of the Code of Virginia that allows local government to establish authorities for purposes like this.

At the direction of the Board, an ad-hoc committee was formed with Supervisor Wolfe-Garrison as the Board’s representative and included members of the public, property owners and professionals in the community that deal with development. The committee met multiple times over a period of months. The meetings were open to, and attended by, the public. Questions and comments were taken. Many options were looked at and the discussion was deep and broad, Mr. Miller said.

In addition, a town hall meeting conducted at the First Church of the Nazarene by Supervisor Chandler was well attended by members of the public and County staff. Questions were asked and answers provided, matters were debated and issues were raised.

Mr. Miller noted the process that began almost a year ago resulted in the proposed resolution. Mr. Miller reviewed the proposed resolution in detail. He pointed out that the resolution outlines the establishment of an authority to treat the collection of stormwater and deal with its runoff as a utility. Those properties that are utilizing the authority, both those contributing to the runoff and those who are receiving the runoff and any benefits of the control measures downslope, are the properties that would bear the burden of paying for both the capital improvements that have to be made, the real estate that has to be purchased and the maintenance and operation over the years. Mr. Miller noted a listing of all parcels, including tax map numbers that would be in the authority, is and has been available on the County website.

Chairman Breeden reviewed the public hearing process and said it was important to him and the Board that everyone who wanted to speak was heard. Chairman Breeden stated that following the public hearing, action would be taken to approve the authority, table the authority or deny the authority.

Chairman Breeden asked that citizens in favor of the Lake Shenandoah Stormwater Control Authority speak first.

Carrie Souder, who lives in the Baybrook Subdivision and experienced water in her house last June, expressed appreciation for the work the Board and staff has done in the last year. She stated that while fingers could be pointed about what should have happened, it is “water under the bridge”. Ms. Souder said it is time to fix the problem and stand behind the Board, as citizens of the community, to support their efforts. She thanked the Board for their work and said she hoped there would be a positive outcome.

Jeff Robb, who lives in Barrington, asked if it was set in stone that the costs be spread over one area rather than spread equally among all County citizens, since there are issues across the County that were partially created because of the Board’s approval.

Mr. Miller responded that there were several ways to pay for the stormwater improvements in the Lake Shenandoah watershed, such as use the County’s general funds, which would likely result in tax increases; charge a County-wide stormwater management fee; not address the issue; or form an authority, which results in the property owners who are using and benefitting from the stormwater control measures paying for those measures. He said this is a localized situation. There are stormwater runoff issues other places in the County, but they do not affect this watershed. Things that happen in other areas of the County do not affect the Lake Shenandoah watershed and this watershed does not affect other areas of the County.

Mr. Miller said the question is whether citizens in other areas of the County should pay for this localized problem. If a general fund is created to address stormwater problems, you cannot use that fund for just one localized problem. The fund would have to be available to

address issues everywhere in the County. The recommendation from staff is that the stormwater issue in the Lake Shenandoah watershed is a localized situation and should be treated like a utility; the people who use County water and sewer pay for it, the people who do not use County water and sewer do not pay for it. The County currently has two districts and two authorities for water and sewer and only the citizens in the areas of those authorities and districts pay for what occurs in those respective districts and authorities, Mr. Miller said.

Mr. Robb said when he built his home over 20 years ago, there may have been runoff but the issue was not that bad until recently. He said the increased runoff has been caused by the amount of development in that area. Mr. Robb said he did not have a say, or did have a say and it did not matter, because the development was approved. He noted the citizens are the ones assuming the utility, but the citizens did not create the problem. Mr. Robb is in favor of doing something to fix the issue, but is not necessarily in favor of one area in the County paying the bill when they do not know if \$3.2 million is an accurate cost or what it will cost after that.

Kathy Koch, who has lived on Shenlake Drive thirty years, said she previously expressed concerns to Lisa Perry because the study performed by the ad-hoc stormwater committee stopped at 4140 Shenlake Drive, leaving drop-off areas at the bottom of the hill that are greatly affected out of the study. Ms. Koch said Shenlake Drive was closed recently due to high water, and indicated runoff comes from Crossroad Farms and Magnolia Ridge, which are not included. Ms. Koch said flooding issues are occurring in other areas of the County so she sees it as a countywide problem and the expenses should be covered by all County citizens.

Supervisor Cuevas said Rockingham County is the third largest county in the state and one-third of the County is federal lands owned by the federal government. He stated the federal government will not listen to a local government telling them it is their responsibility to pay for one-third of the flooding problems in the County.

Michael McGinnis, who lives at Preston Lake, indicated the Southeast Connector (Route 280) and Boyers Road (Route 704) are not on the study area map. He said the Preston Lake retention pond is overwhelmed with water coming from Boyers Road and the Southeast Connector. Mr. McGinnis said he emailed Lisa Perry regarding the flooding, and stated that area needs to be addressed.

Val Holmes lives on Janey Lane in Highland Park Subdivision, and stated she had four feet of floodwater in her basement in June 2018. She experienced flooding two other times and she has invested about \$9,000 into her house that she will not get out of her home when it is sold. Ms. Holmes has lived there since 2008 and says the flooding problem has gotten worse. She noted the problem has to be addressed because it will only get worse. She understands people who do not have a big water problem do not want to pay for the authority, but she said sometimes people do things for the greater good. Ms. Holmes said those people do not think flooding will affect their property value, but she thinks it will eventually affect everyone's property value in that area. Although she does not know what a fair funding solution is, Ms. Holmes stated the fair thing cannot always be done. She attended numerous stormwater meetings and said the ad-hoc committee has done great work. She appreciates what has been done so far, but said the County has been sitting on the issue. She noted a Timmons report prepared six or seven years ago outlined the problem, but nothing has been done. She asked that the Board not to wait another five years to do something.

Ronda Weber said she did not intend to speak, but wanted to make sure some people spoke in favor of the authority because she is very happy to hear something will be done about the flooding. Her family lives next to Lake Shenandoah in a house that was built before the lake was created. Ms. Weber said the flooding she has seen over the last five years is not like any she has seen in 30 years, and she hopes something will be done.

Bea Miller lives on Massanetta Springs Road in the first house in Lakewood, and said she is as vulnerable to water as anyone else at the public hearing. She stated that even though it had been many years since she had children in Rockingham County schools, she has never objected to paying taxes for the schools and she does not see any difference in this.

Sandra Rose from Penn Laird said she is not necessarily in favor or against the authority, but wishes it were vastly bigger as the problem will not go away. She believes the flooding is due to a climate crisis and everything that has happened to these neighborhoods will affect other

neighborhoods. She stated people can no longer purchase flood insurance, the average cost of water damage from a storm event is \$25,000 per household and the average Federal Emergency Management Agency (FEMA) reimbursement is \$5,000.

Ms. Rose indicated that she never thought her property would flood due to its 75-foot elevation from Cub Run, which has a one hundred and five hundred-year flood plain. However, she believes she has seen 100-year floods on her property three times in the last five years. Ms. Rose noted the problem has been exaggerated by road projects. Her dirt road was paved five years ago and slopes to the end of her driveway so that water converges on her driveway and flows to her front door, making a lake in her front yard. She would like the Board to recognize that this is not a problem of just homeowners, but that of local governments. She said the money spent to mitigate stormwater damage from neighborhoods is not enough. People need to think on a larger scale due to the needs of the entire County, state, and country. She would like to see the authority expanded to the whole County. Ms. Rose believes people have not begun to see the devastation that will occur in the future. She asked that the Board take her remarks seriously and look at the big picture.

Paul Moore said he has over sixty years of experience with flooding in the area. He would like the authority put on hold, but would like people in trouble to be helped. Mr. Moore noted he had an increase in taxes but is not complaining if it helps these people. He suggested the Board look at the charts he provided to them. He also suggested installing more pipes that will carry a lot of the water. He said flooding will never decrease with all of the development. Mr. Moore said Lake Shenandoah used to be three-feet deep and now he can walk across the north end of the lake because of the red clay that flowed from Preston Lakes. He would like his parcel removed from the list because nothing is wrong with his property.

Joe Showker has lived on Massanetta Springs Road since 1987. He grew up in Harrisonburg and is a proud resident of the County. He feels like he has not been informed properly as he saw information on social media and in the news after a friend suggested he look into the issue. Mr. Showker is in favor of the authority, but is not in favor of another government entity that does not accomplish anything. He noted that the Timmons report provides suggestions, funding recommendations and funding alternatives such as grants, districts and utilities. It does not indicate developers are responsible because of how they developed the land. He said if smaller developers did not create runoff ponds, he wondered if they were charged to contribute to the County to assist in water management. He said citizens want to know if due diligence was done to prevent flooding issues. Mr. Showker noted that Sentara and Preston Lake followed the code regarding ponds and came up with solutions. He asked the Board if they could say that the Timmons recommendations were followed, and questioned whether the Board did their due diligence six years ago, knowing so many housing developments were being built on Route 33 East. He asked what the Board is going to do about the flooding and who will pay for it. He asked if developers are doing what they need to reduce runoff. Mr. Showker said this is a manmade issue that needs to be dealt with. He encouraged the Board to be proactive, do what needs to be done, and ensure people who live in the area are not penalized because due diligence was not done. Mr. Showker indicated he believes in the Board and believes what they are doing is honorable and important, but he asked them to be accountable and inform the public. He would like to see the Timmons report published and the questions answered whether any of the Timmons recommendations were followed.

D. J. Taylor Bishop lives on Massanetta Springs Road and agreed with Mr. Showker's comments and that there needs to be some accountability. She had read the 2013 Timmons report and asked why the County waited until now to provide it to people, and if the County has done anything suggested. She said if contractors did not install culverts or whatever was needed, why it was the citizens' responsibility to take care of it. She asked why contractors were not fined for not taking care of the situation. Ms. Bishop served on the Lake Shenandoah Preservation Society for several years and was told when Lake Pointe went through that it would connect with Port Republic Road but has not yet. She wondered if citizens were taxed to improve the flooding issue, if the tax would stop when the work is finished.

Jeff Thompson said no one would be there if it were not for his grandfather, Claude Rosser, who owned the farm where the lake was built for fishing. He said developers should be held responsible for proper filtration and everything needed in the development, but they are just making money and nothing is being done.

Arthur Albrecht lives in the Lakewood Subdivision. He asked what input residents will have on decisions made by the authority, and asked that any remedial work performed upstream not make matters worse for him. There have been no flooded homes in his area, but the four ponds put in when the development was built 25 years ago have completely filled up at least two times in 12 years. In January of 1997, water was up over Massanetta Springs Road, he said. He noted that anything that pours water faster will increase the potential problems for his area and remedial work performed could make matters worse downstream.

Jim Lee, who has lived in Lakewood for 13 years, provided the Board with a letter. Mr. Lee is President of the Board of Directors for the Lakewood Homeowners Association, and noted the Board of Directors is against establishing an authority. He does not believe big enough retention ponds are being built, and he thinks some of the responsibility should be put on the developers. Mr. Lee said an attorney that advises the Lakewood Homeowners Association indicated it is possible to ask for a referendum vote, which he requested that the Board of Supervisors consider before approving an authority.

Robert Shehane lives on Port Republic Road and said his one concern is addressing the small problem instead of the much larger one of flooding everywhere it occurs in the County. He agrees the problems are due to overdevelopment and not holding developers to standards that should have been in place. His main concern is why the County needs a separate authority when the Virginia Conservation Board and Virginia Department of Emergency Management include flood plain management in their responsibilities. He said VDOT has rights of way in most of the areas where mitigations will take place. It was mentioned that it is difficult to get assistance from the federal government, but he believes FEMA and the Army Corp of Engineers should help with this problem. He does not believe an authority, if formed, should limit itself to the Lake Shenandoah watershed and funding for any mitigation in the County should be supported by everyone in the County.

Gail Oppy from Preston Lake stated that every time there is a good solid rain, muddy water ends up in the lake along with debris, such as small branches and corn stalks. She would like to see contractors be more accountable for holding back muddy water. She rides around to take photos after it rains and sees excessive amounts of muddy clay water flowing. She has noticed some developers making a greater effort to put up silt fences and rock barriers. If contractors and developers were more accountable to use barriers, it would reduce the amount of muddy water flowing into Lake Shenandoah, she said.

Linda Elliott owns property on Cumberland Drive, which is the highest street in the neighborhood. She typically does not have flooding problems, but her basement flooded last year due to the ground saturation. She also owns property on Cullison Court that does not have flooding problems. She is the unofficial attorney for Lakewood and assists them with legal questions. While reading through the Virginia Water and Waste Authorities Act, she saw information about a possible referendum. She thinks flooding is a problem throughout the County, not just in one district so residents in the Lake Shenandoah watershed should not be the only ones paying for the authority. Ms. Elliott did not think a lot of residents received notice of the meeting, or there would have been more people in attendance. She said there should be limitations on construction and more restrictions on builders and developers. She said during the community meeting Supervisor Chandler indicated the Lake Shenandoah area is designated as an urban growth area. By deciding that years ago, the County has forced development to that area, and those residents are seeing the consequences rather than residents on the western side of the County. She said all County residents should be responsible for stormwater improvements. Ms. Elliott asked that the Board deny or table the approval of an authority to receive more feedback and provide more information to all residents so they can respond properly, or petition the Court to put a referendum on the ballot and allow the public to vote on the authority. She noted the Code also indicates stormwater improvements can be funded by bonds instead of taxing individual residents, or more restrictions and responsibility can be placed on contractors.

Mark Decot lives in Massanutten Resort, and said this is a bigger problem than just the Shenandoah Lake area; it is a County problem and a problem that has faced other local governments. He moved from Fairfax County, where he was the Executive Director for the Northern Virginia Soil and Water Conservation District in the 1970s. Fairfax established a watershed improvement district due to the accumulation of sediment from excessive erosion after development and created an erosion and sediment control ordinance that was adopted by Fairfax County, and later by the State of Virginia. Mr. Decot said his experience living in

McGaheysville is that the state ordinance is not being followed in Rockingham County. He offered to work with the Board or an authority. He said that according to the erosion and sediment control law, developers are fined if they do not comply with the required erosion and sediment control plan before development starts. Mr. Decot said he contacted the Department of Environmental Quality regarding separate issues on behalf of Great Eastern and Dominion Electric Power. He claimed that the County failed to implement the state erosion and control law, and said the Board needs to ensure there is an erosion and sediment plan in compliance with state law before approving a site plan for development. Mr. Decot said if the County would impose fines on developers who do not properly control stormwater runoff and erosion and sedimentation, a lot of money could be raised to pay for the stormwater problem.

Administrator King said he took exception with Mr. Decot's comments because the County is in compliance with the State Code. He encouraged Mr. Decot to call him regarding specific cases where there are erosion and sediment control issues in the County so staff can look into them. Administrator King said the County is not perfect, but follows state erosion and sediment control regulations. He informed Mr. Decot that the County is not heavy handed and does not want to impose a fine for every violation; County staff tries to work with people.

County Attorney Miller said things happen in three areas when it rains. One of those areas, such as clay running down from an open construction site, is dealt with under soil and erosion control regulations. He stated that Rockingham County has the ordinances in place that it is supposed to, follows the state mandates, and enforces them. There is another thing that happens at the far other end of the spectrum, which is riparian flooding. Comments have been made about what various federal agencies do and do not do, what they regulate and where funding comes from. He explained that FEMA, the Army Corp of Engineers and those type agencies deal with flooding when rivers rise. They do not deal with stormwater management that is a result of stormwater running down a hill. He said when development occurs, impervious and impermeable surfaces are added to the natural landscape. That can be water from a roof, driveway or gravel parking area, anything that changes the way water is absorbed by the ground or how the water flowed before the development. Based on comments made, there is a lot of confusion regarding soil and erosion, flooding and stormwater management, which is being discussed. Mr. Miller asked those in attendance to understand that when the Board sits silently, it does not mean the comments being made are either agreed with or are accurate.

Mr. Miller reiterated that this public hearing discussion is about stormwater runoff. He noted that not that long ago, stormwater regulations were inadequate compared to how people look at them today. Some developments added in the Lake Shenandoah watershed area not long ago were developed consistent with state-mandated mitigation requirements in place at that time, and that the program was administered by the state, not the local government. Mr. Miller said expectations have been rising at an accelerated rate in the last few years, and many of the current problems probably would not exist if the regulations in place today and administered by the local government had been in place ten years ago. Mr. Miller indicated that he does not know of any mechanism to get developers to contribute money for something they did eight to fifteen years ago; if for no other reason, what they did was in accordance with state regulations at the time.

Administrator King noted that earlier in the week, County staff shut down a job site on Port Republic Road, specifically the County fire and rescue station under construction. He said the County is willing to do what is needed, and the County supports Lisa Perry, who oversees the enforcement, a hundred percent.

Clayton Rascoe, who is the Executive Director of Massanetta Springs Camp and Conference Center and lives on the Massanetta Springs property, agreed with Mr. Miller's comments. He noted stormwater cannot come down hill without soil and debris it deposits along the way. He said Massanetta Lake has unintentionally become the first barrier for the silt, runoff and erosion. A lake where people used to swim, is not deep enough in many places to dip in a canoe paddle, he said. Mr. Rascoe noted he is not speaking for or against the authority, but he hopes whatever is done will assist those who have larger sections of impervious surfaces in the watershed by performing remedial work to address problems that were not created by them. He said Massanetta Springs is happy to be part of the community and watershed and would like to continue to be an oasis in the midst of the development. Part of that will be to make their lake healthy. He hopes anything that occurs will also help those that are unintentionally part of the flood plain area. He asked that the Board keep Massanetta Springs in mind as a partner as well.

Jean Peterson lives in Lake Pointe Village Subdivision, which is downstream and had four feet of water in her yard. She said the runoff flows down like a torrent, creating a lake and silt is building up in the area. Last June, the water came up to her house. When stormwater improvements are made, she does not want all the water to end up in her neighborhood. She does not have the answers for funding but thinks more studies should be conducted to obtain more information and make a good decision. Ms. Peterson stated that no one wants their taxes to increase or have additional fees, but something needs to be done and she would appreciate anything the Board can do to fix the problem.

William (Bill) Long, Jr. is a Lake Pointe Village resident who agreed with Joe Showker that no one wants a water authority that does not accomplish its goal. He questioned what recourse there is if \$3.2 million is spent and the intended results are not achieved.

Jack Osborne, who lives on Massanetta Springs Road, thinks two drainage areas run together in Lake Shenandoah. He said there was discussion about the cost, but not how it will be divided and how much it will cost each household. Mr. Miller explained that there are a number of ways that could go, but at this point what is being considered is to allow the authority to determine that, if it is formed. If an authority is not formed, other people will need to make the determination. Administrator King said if the scope of the project is \$3.2 million as anticipated in the Timmons study and the cost is divided uniformly between the number of parcels impacted, it will cost approximately \$200 a year per parcel. Mr. Miller noted the fee will pay off acquisition costs, the bond or loan to purchase the easements, and pay for the infrastructure work. Administrator King indicated improvements will be made over a 10-year period. Mr. Miller stated these are only estimates, because there are too many unknowns until engineering studies are conducted. Assistant County Administrator Armstrong noted that the \$3.2 million cost is with no contribution from state or federal grants that the County may be able to obtain to offset costs.

Mr. Osborne asked if the infrastructure work would address groundwater that runs into basements. It was stated that the project will address stormwater runoff only. Mr. Osborne said some speakers referred to 100 and 500-year floods, but he noted this refers to the chance of a flood of this size during one year. Flooding occurs more often because a 500-year flood occurs about every 25 years. Mr. Osborne said there are numerous suggestions in the Timmons report that are not beneficial, such as raising the grade of a road so two inches of water will run under it when this type of flooding only occurs once or twice a year. He said the cost could be reduced with less disruption upstream. He stated that if the floor of a house is lower than the top of the road, the cheapest thing would be to buy the house and dispose of it.

Charlie Will lives on five open acres adjoining Taylor Spring Subdivision. He noted three streams join his property. A developer put in a small construction containment pond, which is called a green area for the townhome residents. A 38-inch pipe was installed from the townhomes to the County sewer pumping station. He noted when half an inch of rain gushes through the 38-inch pipe, deep water rushes down a couple streets and forces gravel and other debris from the gutters across his property. When the property was being developed, water coming through the pipe created a pond that covered his tractor. His biggest concern is developers moving dirt into swampy areas to create a berm, and building houses on it.

Josh Humphries lives in Spring Oaks Subdivision and is a member of the Spring Oaks Homeowners Association. People have asked him what is going on and want more information about the authority. He noted there was not a rousing endorsement for an authority during the meeting, but he would be willing to be a part of that conversation. Mr. Humphries said he made a conscious decision to buy in Rockingham County instead of the City because as a young professional he wanted to purchase property where he would not be overtaxed.

Mark Decot, who spoke earlier, added that a park authority consisting of floodplain-managed land can be part of the solution. The park authority would trade land with a developer and the developer would trade land to the park authority for flood control purposes and for the right to develop.

Ken Kyger said when Kyger Funeral Home was relocated twelve years ago, he worked closely with the Department of Environmental Quality (DEQ) and the County, who did a good job. DEQ had a stormwater retention program and worked with Blackwell Engineering, which

partnered with Preston Lake to handle the stormwater retention runoff. Mr. Kyger noted DEQ regulated the project so he wonders if there are other agencies that are already responsible for stormwater problems, rather than establishing a new agency. He said grants should be available through some of the agencies.

Chairman Breeden asked for a show of hands of people in favor and against creating an authority. The majority of those present were against establishing an authority.

Duane Frederick, who lives in Lakewood Subdivision, said he wanted to clarify the reason to establish an authority, as the County has authority to make corrections. It was his understanding that the purpose of the public hearing was to determine who pays for fixing the flooding issues. Supervisor Chandler indicated that was part of it; the other purpose was to determine if citizens in the affected area want an authority. Supervisor Wolfe Garrison explained that an authority is an entity within the government to help the district facilitate some of the processes. Mr. Frederick asked if there was anything preventing the County from making some of the corrections outlined in the Timmons report, and Supervisor Wolfe-Garrison noted one of the suggestions in the Timmons report was to create an authority. Mr. Miller noted the Timmons report used the word “district” rather than “authority”.

Mr. Miller noted a comment was made about the Board issuing a bond. He explained that if an authority is approved, the authority will issue the bonds and everyone that lives within that authority will be responsible to pay off the bonds.

Mr. Frederick noted there was a request for a referendum, and he understood that the entire referendum would be for the entire County to vote on the taxation of just the residents within the authority. Mr. Miller explained that if a referendum is called for, all qualified voters in the County will vote on the referendum, not just the people in the proposed authority. In response to a question from Supervisor Chandler, Mr. Miller said he did not think there could be a referendum regarding countywide stormwater runoff issues without establishing an authority.

Supervisor Chandler said there are a number of areas in the County that have flooding issues, this just happened to be the first one they were talking about. Supervisor Cuevas noted that not all parts of the County or all districts have come to the Board asking for action. Flooding has occurred in District 1, but most of those people are assuming the responsibility of where they chose to live and are not asking for an authority, Supervisor Cuevas said.

Chairman Breeden closed the public hearing at 7:57 p.m.

Supervisor Cuevas said his intent was to listen to citizens to find out how the flooding affects them and hear their opinion regarding the best way to solve the stormwater problem. He is not ready to vote on anything until the input received is analyzed and reviewed.

In response to a question from Supervisor Cuevas, Mrs. Perry said the state last changed the flood control regulations in 2014.

Supervisor Chandler thanked everyone for coming to express their opinion. He thanked Supervisor Wolfe-Garrison, staff and citizens who served on the ad-hoc stormwater committee. Supervisor Chandler said it is clear there are issues to be dealt with; the question is whether to establish an authority, how improvements will be paid for, and will it be countywide. He stated the Board of Supervisors needs to consider what was said and obtain staff’s input. Supervisor Chandler said the Board should table the creation of a Lake Shenandoah Stormwater Control Authority, but the issues will need to be dealt with moving forward.

Supervisor Chandler made a motion, seconded by Supervisor Wolfe-Garrison, to table the creation of a Lake Shenandoah Stormwater Control Authority to a non-specific time, to make sure the Board has all the information, and that it is made available to the public as much as possible.

Supervisor Chandler clarified that the Timmons report was at the guidance of the state before the Board had ordinances in place. If current restrictions were in place in 2012, some of the current issues would not exist.

Administrator King informed the audience that he received a written letter from Robert and Sharon Lovell, who were not able to attend the meeting. The letter was not read at the meeting, but the Lovell's expressed support of establishing a Lake Shenandoah Stormwater Control Authority, as their home on Baybrook Drive has experienced extensive flood damage from excessive stormwater runoff on five occasions between 2011 and 2018. The letter stated that during the 2018 event, there was over five and a half feet of water in their basement, several adults were trapped in the rising water, and everything in their basement was destroyed.

In response to a question from Supervisor Wolfe-Garrison, Supervisor Chandler suggested using the County website to receive additional information from the community and provide more information to the public.

Supervisor Chandler noted that Supervisor Kyger was out of the country but has been involved with the stormwater control issue.

Carried by roll call a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSENT; WOLFE-GARRISON – AYE; the Board tabled the creation of a Lake Shenandoah Stormwater Control Authority to a non-specific time.

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ADJOURNMENT.

Chairman Breedon declared the meeting adjourned at 8:05 p.m.

_____,
Chairman