

August 28, 2019

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 28, 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
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- JESSICA G. KILBY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator  
Virginia Department of Transportation

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

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

Supervisor Kyger gave the Invocation and the Pledge of Allegiance was led by Assistant County Administrator Armstrong.

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**INTRODUCTION OF STUDENTS.**

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

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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 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – ABSTAIN; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of August 14, 2019.

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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 notified Supervisor Wolfe-Garrison that he received partial traffic data on the Erickson Avenue (Route 726) study, but is still waiting to receive the truck portion. He hopes to have the full report soon.

Recent maintenance items included drainage pipe installation on Hensley Hollow Road (Route 622), mowing, storm damage cleanup, and working to sign up snow removal contractors in preparation for winter. Mr. Komara mentioned that the drainage issue on Doe Hill Road (Route 671) will be completed this week.

Concerning the Mauzy bridge project, Supervisor Cuevas asked VDOT to be considerate of traffic control during early morning commute times. He said Mayland Road (Route 259) is heavily traveled in the mornings and traffic can become backed up quickly.

Supervisor Wolfe-Garrison reported that she received several phone calls about Amberly Road (Route 765) being rough for tractors and buggies. Mr. Komara said the road was spot leveled and patched in preparation for overlay in 2020. Supervisor Wolfe-Garrison noted she will get with Mr. Komara about a request for VDOT to take a private road located in Dayton into its purview. She also mentioned that she sent Burgess Lindsey information about visibility concerns on Old Sawmill Road (Route 809).

In response to a question from Supervisor Kyger, Mr. Komara indicated the Route 42 Bicycle and Buggy Lane Extension will be finished by the Spring of 2020, with a possibility of completion this Fall.

Supervisor Kyger said he often receives questions about the various speed limits on Stone Spring Road (Route 280). He said the County portion is 45 miles per hour, then transitions to 40 miles per hour in the City, and then to 35 miles per hour. He asked if the lower speed limits could be reconsidered since this a 4-lane divided highway with no direct connection to businesses. Supervisor Kyger also questioned why the speed limit is 45 miles per hour instead of 35 miles per hour at the end of Osceola Springs Road (Route 704), where it intersects with Port Republic Road (Route 659). He said residents have expressed concern about the speed limit in that area.

Supervisor Chandler expressed appreciation for the progress on Alumnae Drive (Route 331). He also mentioned he received many positive comments regarding the rock improvements to the bank in front of East Lawn Memorial Gardens.

Supervisor Breeden thanked Mr. Komara for the drainage pipe installation on Hensley Hollow Road (Route 622). He also reported that a large tree is leaning over the road on South East Side Highway (Route 340) near Cupp's Auto Parts.

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**RESOLUTION TO CREATE THE LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY.**

Supervisor Chandler stated that the process to find a solution for stormwater issues in the Lake Shenandoah area was a long one, which included many months of work, several work sessions and a public hearing. He acknowledged the great work of staff, the Planning Commission and the Stormwater Committee.

Supervisor Chandler said it is his intention to consider every possible funding source available, such as grants, revenue sharing and financing options. He pointed out that the Timmons study recommended an Authority, and said creating an Authority is the best opportunity to complete this project as soon as possible.

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 adopted the following resolution to create the Lake Shenandoah Stormwater Control Authority.

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

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

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

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

ARTICLES OF INCORPORATION  
OF THE  
LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY

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

- I. The name of the Authority shall be the **LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY**, and the address of its principal office shall be 20 East Gay Street, Harrisonburg, Virginia, 22802.
- II. The name of the incorporating locality is Rockingham County, Virginia, and the members of the Authority Board shall be composed of the then current members of the Board of Supervisors of Rockingham County, Virginia, and the names and addresses of the first members of the Authority Board are as follows:

NAME OF MEMBER	ADDRESS:	ELECTION DISTRICT
Pablo Cuevas	543 Elm Street Broadway, VA 22815	District # 1
Sallie Wolfe-Garrison	1393 Cooks Creek Road Rockingham, VA 22802	District # 2
Rick L. Chandler	Post Office Box 174 Port Republic, VA 24471	District # 3
William B. Kyger, Jr.	710 Vista Heights Rd Bridgewater, VA 22812	District # 4
Michael A. Breeden	1716 Breeden Circle Elkton, VA 22827	District # 5

All Board Members shall serve during the term of their membership on the Board of Supervisors of Rockingham County, which Members shall be deemed elected to the Authority Board upon their election to the Board of Supervisors. All Members of the Authority Board shall hold office until their successors have been duly elected and qualified and may succeed themselves. The terms of office of the first Members of the Authority Board shall begin on the date of the Certificate of Incorporation issued by the State Corporation Commission.

- III. The purposes for which the Authority is created are: the acquisition, construction, operation and maintenance of a stormwater control system for the collection and transport of stormwater within the area designated by the map titled “Lake Shenandoah Stormwater Control System”, a copy of which map may be inspected on the County’s website and at the office of the County Administrator of Rockingham County, Virginia, at 20 East Gay Street, Harrisonburg, Virginia, and for the purpose of exercising all of the powers conferred by the Virginia Water and Waste Authorities Act, as amended, in relation to the foregoing, including, but not limited to, the issuance of debt and the establishment and charging of rates and fees.

The area included within the Lake Shenandoah Stormwater Control Authority is further described in the following narrative:

The Lake Shenandoah Stormwater Control Authority will encompass all areas within the watershed of Lake Shenandoah. The northern boundary is set by the City of Harrisonburg/County of Rockingham line, with approximately 0.73 miles of boundary on the southwest side of Spotswood Trail (Route 33), and approximately 0.34 miles of boundary on the northeast side of Spotswood Trail. Generally, all areas to the southwest of Boyers Road to Lake Shenandoah, all areas east of Port Republic Road to Lake Shenandoah, and all properties accessed from Massanetta Springs Road. Additionally, some portions of Stone Spring Road (approximately from Spotswood Trail to Banner Way), Shen Lake Drive (approximately from Port Republic Road to Lakeview Drive), Osceola Springs Road (approximately from Port Republic Road to 2444 Osceola Springs Road), Spaders Church Road (approximately from Port Republic Road to 2847 Spaders Church Road), and some portions of Wynn Wood Lane, Titus Drive, and Steeplechase Drive.

The area encompasses entirely or in part the following areas:

Barrington Subdivision, Briarcrest Subdivision, Bridlewood Subdivision, Chestnut Ridge Subdivision, Congers Creek Subdivision, Crescent Ridge Subdivision, Cullison Creek Subdivision, Hamlet Hill Estates, Highland Park Subdivision, Kentshire Subdivision, Lake Pointe Subdivision, Lake Pointe Village Subdivision, Lake View Golf Course, Lakewood Subdivision, Massanetta Springs Conference Center, Massanetta Springs Cottage Community, Preston Lake Subdivision, Quarles Business Park, Spring Oaks Subdivision, Sunnyside Retirement Community, Taylor Grove Developments I and II, Taylor Spring Subdivision, Town and Country Landing and Wellstone Subdivision.

This list is not comprehensive, but provides the general and approximate boundaries of the authority.

Additionally, a list of all tax parcels included in the Lake Shenandoah Stormwater Control Authority may be reviewed on the County’s website and at the office of the County Administrator of Rockingham County, Virginia, at 20 East Gay Street, Harrisonburg, Virginia.

- IV. In compliance with Section 15.2-5103 of the Code of Virginia, 1950, as amended, the preliminary estimate of capital costs, so far as practicable, is hereby stated to be Three Million One Hundred Sixty-nine Thousand Two Hundred and no/100 Dollars (\$3,169,200.00). It is emphasized that this a rough estimate. The amount of the final capital investment will depend on many factors yet to be determined by the Board of the Authority after consultation with engineers. The Board of Supervisors hereby makes the finding that it is not practicable to estimate the costs of operation and maintenance at this time. Many factors are yet to be determined by the Board of the Authority after consultation with engineers.

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

This 28th day of August, 2019.

BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA

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

Section Four: As required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, a Public Hearing was held at 6:00 p.m., on the 17th day of July, 2019, at the Board of Supervisors' Meeting Room at the County Administrative Offices, 20 East Gay Street, Harrisonburg, Virginia.

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

Section Six: Following the aforesaid public hearing, or any adjournment thereof, and adoption of this Resolution by the Board of Supervisors, no referendum having been called as provided by State Law, the county staff shall cause to be filed with the State Corporation Commission the Articles of Incorporation of the Lake Shenandoah Stormwater Control Authority, together with the proof of publication of this resolution. Also, immediately following such public hearing, or any adjournment thereof, the Clerk of the Board of Supervisors shall furnish the State Corporation Commission with a record of the proceedings in such hearing and the adoption of this Resolution and the State Corporation Commission shall be formally requested to act upon the issuance of a Certificate of Incorporation for the Lake Shenandoah Stormwater Control Authority.

Given under our hand this 28th day of August  
in the year two thousand nineteen, A.D.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated August 23, 2019.

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

The Board received and reviewed Mr. Armstrong's Economic Development & Tourism staff report dated August 28, 2019.

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**FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson's staff report dated August 28, 2019.

Mrs. Davidson reported that Finance is working with Community Development to create a Capital Improvements Planning Committee. At the September Board meeting, staff will request that the Board appoint a representative to the Committee. More information concerning meeting dates and what it will actually entail will be forthcoming, she said.

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Mrs. Davidson reported that staff had been working with facilities to obtain a vendor through emergency procurement, for partial roof replacement at the jail only in the areas affected by the renovation of HVAC work. The emergency procurement was posted on the County website and is required to be posted there for 10 days. Finance staff will issue a purchase order for Baker Roofing for \$295,000, which is already included in the FY20 budget. Mrs. Davidson pointed out that emergency procurement was needed, because this portion of the roof is an area

where the HVAC is located and is causing issues with the renovated space underneath. Competitive negotiation procurement will be issued later this fiscal year to complete the entire roof and other roofs in the County.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to utilize emergency procurement for a portion of the roof replacement at the jail.

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Mrs. Davidson reported that staff received a bid for the Circuit Court Terrazzo Floor Refinishing project from Doyle Dickerson Terrazzo Inc., for \$28,000.

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 staff to award the bid to Doyle Dickerson Terrazzo Inc., for \$28,000, to proceed with the Circuit Court Terrazzo Floor Refinishing Project.

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Mrs. Davidson reminded the Board that the auditors will be on-site the week of September 3 – 13 to finalize the FY 2019 audit.

FINANCE COMMITTEE

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 FY 2019-2020 Supplemental Appropriation:

**Clerk of the Circuit Court**

A supplemental appropriation in the amount of \$13,680 for item conservation. Funding will be provided by the Library of Virginia’s Item Conservation Grant FY2020-70. No local funding is required.

Supplemental Appropriation: \$13,680

\$13,680 GL Code: 1001-02106-10202-000-503109-000 Other Professional Services  
\$13,680 GL Code: 1001-00000-12404-000-324180-000 Records Preservation Grant

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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 FY 2018-2019 Supplemental Appropriation:

**Children’s Services Act**

A supplemental appropriation in the amount of \$600,000 for the expenditures related to County children served under the Children’s Services Act for FY19.

Supplemental Appropriation: \$600,000

\$600,00 GL Code: 1225-00000-15101-000-351000-000 CSA: Transfer from General Fund  
0  
\$600,00 GL Code: 1225-05318-10100-000-505714-000 CSA: Mandated Service Expenditure  
0  
\$600,00 GL Code: 1001-09301-00000-000-509528-000 General Fund: Transfer to CSA  
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\$600,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Reserve  
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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 FY 2019-2020 Supplemental Appropriation:

**Cash Proffers**

The County received general cash proffers of \$21,000 in FY19. The general cash proffers received were \$3,500 per house and were designated to go towards education and public safety. Based on the appropriation of general cash proffers last year, they were divided in half.

Port Road Fire Station – Capital Project - \$10,500  
School Capital Project (Spotswood Division) - \$10,500

A supplemental appropriation in the amount of \$21,000 to account for cash proffers received in FY19 is to be expended in FY20.

Supplemental Appropriation: \$21,000

\$10,500	1101-09401-00000-000-508388-000	Port Road Fire Station
\$10,500	1101-00000-15102-000-351000-000	Transfer from General Fund
\$10,500	1001-09301-00000-000-509511-000	Transfer to Capital Projects
\$10,500	1001-00000-15201-000-352000-000	General Fund Reserve
\$10,500	2103-66600-00000-303-608010-000	School Capital Projects
\$10,500	2103-00000-25101-000-400090-000	Transfer from General Fund
\$10,500	1001-09301-00000-000-509513-000	Transfer to School Capital Projects Fund
\$10,500	1001-00000-15201-000-352000-000	General Fund Reserve

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On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY 2019-2020 Supplemental Appropriation:

**Computer Upgrades**

A supplemental appropriation in the amount of \$239,500 to fund the purchase of the new computers.

The Technology Committee met on August 14<sup>th</sup> to discuss computer upgrades. The Committee recommended that all desktop computers and forty-seven laptop computers be replaced in fiscal year 2020. The upgrade will be completed as soon as possible as support for the Windows 7 software will end in January of 2020. The security risk related to waiting until originally planned (FY21) is too significant to wait.

Supplemental Appropriation: \$239,500

\$167,285	1001-00000-15201-000-35200-000	General Fund: Fund Reserve
\$64,680	1001-00000-11899-000-318600-000	Share of Costs: City of Harrisonburg
\$1,373	1225-00000-11899-000-318600-000	CSA: Share of Costs City of Harrisonburg
\$1,373	1225-00000-15201-000-352000-000	CSA: Fund Reserve County
\$2,059	1410-00000-15201-000-352000-000	Landfill: Fund Reserve
\$2,745	1401-00000-15201-000-352000-000	Water/Sewer: Fund Reserve
\$3,775	1001-01201-00000-000-506065-000	Administration: Minor Equipment
\$3,775	1001-01204-00000-000-506065-000	Legal: Minor Equipment
\$16,470	1001-08101-00000-000-506065-000	Planning: Minor Equipment

\$17,160	1001-01209-00000-000-506065-000	Commissioner of Revenue: Minor Equip.
\$12,353	1001-02110-10251-000-506065-000	Court Services: Minor Equipment
\$1,373	1225-05318-10100-000-506065-000	CSA County: Minor Equipment
\$1,373	1225-05318-10200-000-506065-000	CSA City: Minor Equipment
\$7,549	1001-01215-00000-000-506065-000	Finance: Minor Equipment
\$10,294	1001-03201-00000-000-506065-000	Fire & Rescue: Minor Equipment
\$4,804	1001-01218-00000-000-506065-000	Human Resources: Minor Equip.
\$12,353	1001-01220-00000-000-506065-000	Technology: Minor Equipment
\$9,608	1001-07101-00000-000-506065-000	Parks & Rec: Minor Equipment
\$3,089	1001-04300-00000-000-506065-000	County Maintenance: Minor Equip.
\$3,089	1001-04301-00000-000-506065-000	City Maintenance: Minor Equip.
\$2,059	1410-04203-00000-000-506065-000	Landfill: Minor Equipment
\$2,745	1401-04402-00000-000-506065-000	Water/Sewer: Minor Equipment
\$687	1001-01221-00000-000-506065-000	Garage: Minor Equipment
\$6,177	1001-01302-00000-000-506065-000	Registrar: Minor Equipment
\$6,863	1001-01213-00000-000-506065-000	Treasurer: Minor Equipment
\$26,764	1001-02101-00000-000-506065-000	Circuit Court Clerk: Minor Equip.
\$22,647	1001-02201-00000-000-506065-000	Commonwealth's Attorney
\$64,508	1001-03102-00000-000-506065-000	Sheriff: Minor Equipment

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On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY 2019-2020 Supplemental Appropriation:

**Microsoft SQL Licensing**

The Technology Committee discussed the upgrade of host servers in the County’s virtual environment. The amount originally budgeted is \$100,000. After further research, it was determined that the cost of the upgrade is \$145,536.91. The additional \$45,550 is recommended to be appropriated from the fund reserve.

Supplemental Appropriation: \$45,550

\$45,550	1101-09401-00000-000-508007-000	Computer Equipment
\$45,550	1101-00000-15102-000-351000-000	Transfer from General Fund
\$45,550	1001-09301-00000-000-509511-000	Transfer to Capital Projects
\$45,550	1001-00000-15201-000-35200-000	General Fund: Fund Reserve

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**PUBLIC WORKS STAFF REPORT.**

The Board received and reviewed Mr. Rhodes’ staff report dated August 28, 2019.

On behalf of the Public Works 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 authorized staff to accept the bid from Frazier Quarry, Inc., to supply various types of stone to the Landfill for operations.

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**COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Ms. Cooper’s staff report dated August 28, 2019.

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PUBLIC WORKS COMMITTEE



Supervisor Kyger reported that staff recommended that the Board accept the Public and Private Education Facilities and Infrastructure Act (PPEA) proposal and proceed with the waterline installation for the Cobbler’s Valley Subdivision, owned by Tan Bark Lane, LLC. The project would be coordinated with the site development, with funding from the Water and Sewer account, and \$150,000 proffered by the Developer. Funds were included in the budget for this project, he said.

Supervisor Kyger made a motion to approve the recommendation of staff.

Supervisor Cuevas stated that it is the Board’s prerogative whether it approves the recommendation of staff, and stated that the Public Works Committee was not in agreement 100 percent on how to proceed at this given time.

Supervisor Wolfe-Garrison seconded the motion and read the following disclosure statement:

“Pursuant to the Code of Virginia 2.2-3155, I work for the law firm that represents Cobbler’s Valley’s ownership and organization. I have been in communication with the professionals in that firm and with legal counsel with the County. I disclose that I am able to participate fully with discussion and voting, without consideration for Conflict of Interest, as my work with the law firm in no way deals with this type of work.”

Carried by a vote of 4 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – NAY; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to accept the Public and Private Education Facilities and Infrastructure Act (PPEA) proposal from Stone Hill Construction to extend a water line for the Kaylor Hill tank to serve the Cobbler’s Valley property for \$1,218,322. The waterline will be coordinated with the site development, with funding from the Water and Sewer account to include \$150,000 proffered by the Developer.

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**COMMUNITY DEVELOPMENT CONTINUED.**

Supervisor Wolfe-Garrison asked whether the Shen Lake Drive (Route 689) revenue sharing project would help offset costs for the Lake Shenandoah Stormwater Control Authority if done in conjunction with stormwater improvements.

Administrator King said staff anticipates there will be several watershed improvement projects situated within VDOT rights-of-way and within the area to be funded by the Authority. He said the Shen Lake Drive road crossing improvements are geared towards keeping that road open and would most likely be funded through the general fund.

Community Development staff noted, for the purposes of the County submitting a VDOT Revenue Sharing Program Application for FY 2020-2021, the Lake Shenandoah Watershed Culvert Improvements Project shall be joined as a unified application.

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**COMMITTEE APPOINTMENT.**

Supervisor Kyger reported that David Rees, Planning Commissioner in District four, is in the process of moving to another district.

He recommended Michael Harvey for appointment to the Planning Commission effective October 1, 2019, to replace Mr. Rees. Supervisor Kyger noted that Mr. Harvey is also a member of the Board of Zoning Appeals. In response to a question from Supervisor Wolfe-Garrison, Supervisor Kyger indicated one member of the Planning Commission may also serve on the Board of Zoning Appeals.

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 appointed Michael Harvey (District 2) to the Planning Commission effective October 1, 2019, for a term to expire August 31, 2023.

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Supervisor Wolfe-Garrison reported that due to the untimely passing of Henry Lilly, the Board of Zoning Appeals has a vacancy in District two. Supervisor Wolfe-Garrison indicated she plans to recommend Keith Hurst during the September 11, 2019, Board meeting, after he has had time to speak with staff.

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**COMMITTEE REPORTS.**

AIRPORT

Supervisor Kyger indicated business is good at the Airport. He also noted that the VACo Region 9 meeting will be held at the Shenandoah Valley Regional Airport on September 19, 2019, at 6:30 p.m.

Mrs. Davidson noted that staff received a letter from the Airport requesting the County’s concurrence for the Airport Commission’s financing of Aircraft Hangars. Mrs. Davidson indicated Greg Campbell will be at the September 11, 2019, Board meeting to provide more information.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

Ms. Cooper reported that the Central Shenandoah Planning District Commission is celebrating its 50<sup>th</sup> year. She provided Board members with a handout and invited the Board to attend a reception and presentation on September 17<sup>th</sup> from 4-6 p.m. at the American Frontier Culture Museum.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Chandler stated that the CCJB will meet on Monday, September 9, 2019 at 4 p.m. at City Hall.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Assistant County Administrator Armstrong reported that he attended a positive workforce development meeting with Governor Northam and other local businesses on August 27<sup>th</sup> at the Ice House.

VIRGINIA ASSOCIATION OF COUNTIES (VACo)

Supervisor Kyger reminded the Board of the Region 9 meeting on September 19, 2019, at the Shenandoah Valley Regional Airport. He also mentioned that a new director will need to be elected during the Annual VACo meeting.

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**RECESS.**

Chairman Breeden recessed the meeting from 6:58 p.m. to 7:10 p.m.

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**PUBLIC HEARING – ORDINANCE AMENDMENTS.**

At 7:10 p.m., Chairman Breeden opened the public hearing and Planning Director Dyjak reviewed the following three ordinance amendments together:

OA19-166 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 (Definitions generally) - Definition of spa clarifying that a hair salon may operate independently of a spa.

OA19-167 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 Land Use and Zoning Table to add both fitness center and spa as permitted uses with supplemental standards in the R-3 zoning district.

OA19-168 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 (Supplemental standards for certain land uses) to add supplemental standards for fitness centers and spas in the R-3 zoning district.

Mr. Dyjak asked for a friendly amendment to OA19-166 to revise the language “and manicure and pedicure services” to “or manicure and pedicure services” as noted below:

*Spa. An establishment, including, but not limited to massage therapy which offers massage and body or facial treatments, hair salons, make-up consultation and application, ~~and~~ or manicure and pedicure services. Anyone rendering services on premises shall be licensed by the State for the services that are provided.*

The Planning Commission recommended approval on August 6, 2019.

No members of the public spoke regarding the amendments.

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Chairman Breeden closed the public hearing at 7:17 p.m.

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 adopted the following three ordinance amendments, including the friendly amendment to OA19-166:

**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 hereby is amended by inserting in alphabetical order the following definition:

**ARTICLE II. DEFINITION OF TERMS**

Section 17-201. Definitions generally

**Spa.** An establishment, including, but not limited to massage therapy which offers massage and body or facial treatments, hair salons, make-up consultation and application, or manicure and pedicure services. Anyone rendering services on premises shall be licensed by the State for the services that are provided.

All other definitions of Section 17-201 are re-affirmed.

This ordinance shall be effective from the 28th day of August, 2019

Adopted the 28<sup>th</sup> day of August, 2019.

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**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:

Table 17-606. Land Use and Zoning Table.

Add fitness center as a permitted use with supplemental standards and spa as a permitted use with supplemental standards to the R-3 (General Residential) zoning districts.

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
Fitness Center							P*				P	P	P	P	P	P	P	P	P	A	P	
Spa							P*				P	P			P	P	P	P	P			

All other parts of Table 16-606 are reaffirmed.

This ordinance shall be effective from the 28<sup>th</sup> day of August, 2019.

Adopted the 28th day of August, 2019.

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**ORDINANCE AMENDING  
SECTION 17-607  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-607. Supplemental standards for certain land uses hereby is amended by inserting in alphabetical order the following standards:

Section 17-607. Supplemental standards for certain land uses

**Fitness center.**

In the R-3 zoning district, a fitness center shall be limited to no more than 2,000 square feet.

**Spa**

In the R-3 zoning district, a spa, as defined in Article 2, shall not exceed 2,000 square feet.

All other supplemental standards are re-affirmed.

This ordinance shall be effective from the 28th day of August, 2019.

Adopted the 28<sup>th</sup> day of August, 2019.

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**CAPITAL IMPROVEMENTS PROGRAM AMENDMENTS.**

Chairman Breeden opened the public hearing at 7:18 p.m., and Planning Director Dyjak reviewed the amendments to the adopted Rockingham County fiscal years 2017 through 2021 Capital Improvements Program (CIP). The CIP serves as a five-year plan to guide the construction or acquisition of capital projects and the amendments would include the addition of the following projects:

**1. Lake Shenandoah Watershed Culvert Improvements**

The project would address storm sewer improvements by upgrading two upstream culverts within existing Virginia Department of Transportation (VDOT) rights-of-way and reconstructing a road crossing at Shen Lake Drive (Route 689), at a cost of \$1,610,000.

**2. VA 276 at VA 253 Left Turn Lanes Installation**

The project would widen existing Cross Keys Road (VA 276) to accommodate through/right turn lanes and new dedicated left turn lanes at the intersection at a cost of \$1,500,000.

**3. Garbers Church Road Bike and Buggy Lanes**

The project would design and construct paved, 8-foot wide lanes on both sides of Garbers Church Road (Route 910) from VA 42 to Erickson Avenue, approximately 0.6 miles in length. The project is proposed to be completed in two phases – Phase 1: preliminary engineering, right-of-way acquisition and Phase 2: construction – at a total project cost of \$1,805,000.

Mr. Dyjak recalled the Board authorized staff to submit VDOT funding applications for each of the three projects at its June 12, 2019, meeting. He also noted the Planning Commission recommended approval on August 6, 2019, and the Finance Committee concurred at its meeting on August 28, 2019.

Assistant County Administrator Armstrong pointed out that VDOT would be responsible for managing all three projects, not County staff.

No members of the public spoke regarding the amendments to the CIP as presented.

Chairman Breeden closed the public hearing.

Supervisor Cuevas stated that the Finance Committee is supportive of the amendments to the CIP, with the understanding that matching funds are received from the state for the Cross

Keys Road and Garbers Church Road projects, and with the understanding that the Lake Shenandoah Stormwater Control Authority will provide at least a portion of the funding for Lake Shenandoah Watershed Culvert Improvements.

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 amendments to the FY 2017-2021 Capital Improvements Program for the following projects:

1. Lake Shenandoah Watershed Culvert Improvements
2. VA 276 at VA 253 Left Turn Lanes Installation
3. Garbers Church Road Bike and Buggy Lanes

*(A complete copy of the Capital Improvements Program FY 2017-2021 Amendments are attached to and made a part of these minutes)*

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**CLOSED MEETING.**

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 7:30 p.m. to 8:19 p.m., for a closed meeting pursuant to Section 2.2-3711.A (3), Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; 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 CUEVAS	RESOLUTION NO: 19-09
SECOND: SUPERVISOR CHANDLER	MEETING DATE: AUGUST 28, 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 Breeden declared the meeting adjourned at 8:19 p.m.

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 Chairman

