

September 26, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, September 26, 2018, 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
- RICKY 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
- CASEY B. ARMSTRONG, Assistant County Administrator
- PATRICIA D. DAVIDSON, Director of Finance
- PHILIP S. RHODES, Director of Public Works
- RHONDA H. COOPER, Deputy Director of Community Development
- BRADFORD R. R. DYJAK, Director of Planning
- DIANA C. STULTZ, Zoning Administrator
- JESSICA G. KILBY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
- Virginia Department of Transportation

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CALL TO ORDER
MOMENT OF SILENCE
INVOCATION
PLEDGE OF ALLEGIANCE.

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

Supervisor Breeden called for a moment of silence in honor of Anthony R. Whetzel, retired Rockingham County Fire and Rescue Captain, who passed away on September 15, 2018.

Supervisor Breeden provided the Invocation and Finance Director Davidson led the Pledge of Allegiance.

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INTRODUCTION OF STUDENTS.

Students from Turner Ashby High School introduced themselves to the Board.

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APPROVAL OF MINUTES.

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 approved the minutes of the regular meeting of September 12, 2018.

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WELCOME – ERIC ENGLISH, CHIEF OF POLICE – HARRISONBURG.

Sheriff Hutcheson introduced and welcomed Eric English, Harrisonburg Police Department’s new chief of police.

Chief English expressed appreciation for the reception received since his arrival and stated he is committed to working hard for and building relationships with, the community.

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RECOGNITION – NOLAN H. STOUT, REPORTER – DAILY NEWS RECORD.

Administrator King read the following resolution commending Nolan H. Stout for outstanding coverage of local government during his past three years as reporter at the *Daily News Record*.

RESOLUTION

WHEREAS, since 2015, when Mr. Nolan Stout, a graduate of High Point University, relocated to the Shenandoah Valley from North Carolina, he has reported the Rockingham County news for the *Daily News Record*; and

WHEREAS, in his coverage of Rockingham County government, Mr. Stout has done an outstanding job of accurately and responsibly reporting the actions of the Board of Supervisors for his readers; and

WHEREAS, Mr. Stout has demonstrated a professionalism and dedication to accuracy, without sensationalism and interjection of opinion, that should serve as a model for media across the country; and

WHEREAS, Mr. Stout has been recognized by the Virginia Press Association for the quality of his work, winning First Place in Government writing in 2016; and

WHEREAS, Mr. Stout will cover the proceedings of his final Board of Supervisors meeting today, September 26, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors does hereby express sincere gratitude on behalf of its citizens to Mr. Stout for his dedication to quality reporting which has informed the citizens of Rockingham County of the activities of its government and, furthermore, wishes him well in his future endeavors.

On motion by Supervisor Kyger, 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 adopted the resolution expressing its gratitude to Mr. Stout for his quality reporting of local government to the citizens of the County.

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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 reported that paving will begin on Spotswood Trail (Route 33) eastbound from Cross Keys Road (Route 276) to Resort Drive (Route 644). He pointed out that some paving may take place at night and no paving will occur during school drop-off or pick-up times.

Mr. Komara brought attention to the slurry seal application on Harpine Highway (Route 42) from Broadway to Harrisonburg, pointing out that although the application does not ride or sound the best, it creates better traction and protects the pavement. He explained that the longitudinal joint had separated, which led to water inside the pavement, allowing potholes to form. The slurry seal extends the life of the pavement by five to seven years, he said.

Related to the East Point Road/Maryland Avenue (Route 602) bridge work, Mr. Komara indicated the remaining work will be completed during daylight hours and should be finished in two to three weeks.

Additionally, Mr. Komara reported: improvements to Power Dam Road (Route 651) will be complete in the next several weeks; advertisement for Lairs Run Road (Route 921) will occur in November 2018, with construction to start by February of 2019; and center line striping was added to Greenmount Road (Route 772) to the McMullen Funeral Home.

Recent maintenance included storm drainage work, ditching gravel roads, pipe replacements and mowing.

Mr. Komara remarked that improvements to Alumnae Drive (Route 331) were not approved as a revenue sharing project as requested by James Madison University (JMU). JMU asked VDOT to complete the approximate \$400,000 improvement project at the University's expense. Mr. Komara reported that VDOT is willing to pursue the project if the County agrees to accept the funds from JMU and submit payment to VDOT once the project is complete. By consensus, the Board agreed to accept and hold the funds from James Madison University and submit payment to VDOT once invoiced.

Supervisor Chandler reminded Mr. Komara that the "Public Lake" sign on Cross Keys Road (Route 276) south of the Shenlake Drive intersection is faded and needs to be replaced. He also mentioned an area on Port Republic Road (Route 253 east) near Mill Creek Church of the Brethren where water ponds in the road and creates hydroplaning.

Supervisor Breeden requested that Cemetery Road (Route 843) be placed on the radar when considering future rural rustic projects and possibly Cave Hill Road (Route 641).

Supervisor Wolfe-Garrison pointed out that the Dayton Autumn Festival will be held during the first weekend in October, and asked for the area along John Wayland Highway (Route 42) to be maintained in preparation for the event.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Administrator King's staff report dated September 21, 2018.

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 adopted the following resolution:

RESOLUTION

WHEREAS, in 2017 Amazon announced a plan to locate a second headquarters (Amazon HQ2) in North America, similar in scope to Amazon's Seattle, Washington campus; and,

WHEREAS, Amazon expects to invest over \$5 billion in construction and create 50,000 high-paying jobs at the HQ2 site, with the ongoing operation expected to create tens of thousands of additional jobs and tens of billions of dollars in additional investment in the surrounding community, including \$7.7 billion in employee compensation and more than \$17 billion in augmented business sales; and,

WHEREAS, three Virginia counties have been selected as finalists for HQ2, including a joint application by Fairfax and Loudoun Counties and an application by Arlington County, all located in Northern Virginia; and,

WHEREAS, such an investment will create tremendous economic development opportunities for localities throughout the Commonwealth of Virginia, increase revenues for the Commonwealth, provide substantial employment opportunities, offer innovation partnerships and research opportunities for colleges and universities, expand entrepreneurship in e-commerce and cyber-security, and increase exports spurring global investment in Virginia.

NOW, THEREFORE, BE IT RESOLVED that Rockingham County, Virginia, strongly supports the applications of the Northern Virginia counties for Amazon HQ2.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Economic Development and Community Development staff reports dated September 26, 2018.

Supervisor Chandler made a motion to remove from the table SUP18-072, Rockingham Residential Revocable Trust, 800 N. Main Street, Mt. Crawford 22841 for a country store - arts, snacks, drinks, convenience items (like use to convenience store), antique shop, barbecue pit, and farmers market on property located on the northwest side of Port Republic Road (Route 253) and Trimble Road (Route 757), Election District #3, zoned A-2 (General Agricultural). Tax Map #140-(A)-50A. Property address: 7061 Trimble Road.

Seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board removed SUP18-072 from the table.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board, with the following conditions, approved SUP18-072, Rockingham Residential Revocable Trust, 800 N. Main Street, Mt. Crawford 22841 for a country store - arts, snacks, drinks, convenience items (like use to convenience store), antique shop, barbecue pit, and farmers market on property located on the northwest side of Port Republic Road (Route 253) and Trimble Road (Route 757), Election District #3, zoned A-2 (General Agricultural). Tax Map #140-(A)-50A. Property address: 7061 Trimble Road.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. All Health Department regulations shall be met.
4. Entrance shall be off Trimble Road, and all VDOT requirements shall be met.
5. All requirements of the Rockingham County Fire Code shall be met.
6. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on construction of the porch addition, farmers market

and parking; and the business shall not begin operation until such time as the site plan is approved and building permits have been issued.

7. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
8. As proffered by the applicant, there shall be no neon lights or portable signs.
9. Parking shall comply with the Rockingham County Code, and no more than eight parking places shall be paved.
10. As proffered by the applicant, the hours of operation shall be 6 a.m. to 8 p.m. Monday through Saturday and from noon to 6 p.m. on Sundays.
11. As proffered by the applicant, farm market pavilion shall be open on Saturdays only and shall be limited to locally grown and locally made goods.
12. Buffers, as shown on the site plan, shall remain and shall be maintained.
13. Lighting shall comply with the Rockingham County Code, and no pole light shall be greater than 12 feet in height, as proffered by the applicant.
14. As proffered by the applicant, the old house on the property shall be demolished; the washhouse shall be refurbished but shall not be used as part of the business.
15. No more than twenty-five (25%) percent of the store building shall be used for snacks and deli. This does not include the homemade baked goods.
16. As proffered by the applicant, all business (except the farmers market) shall be in existing structure, as approved with this permit. There shall be no future expansion of the store building.
17. As proffered by the applicant, there shall be no gasoline pumps.
18. As proffered by the applicant, barbecue pit is only for use by charitable organizations at no charge.
19. There shall be no alcohol or tobacco sales.
20. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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 removed from the table SUP18-160 Frieden Farms, LLC, PO Box 183, Mt. Crawford, VA 22841 for addition to event venues to allow additional places on farm where events may be held on two properties located on the east side of Cross Keys Road (Route 276) across from Friedens Church Road (Route 682) and one property located on the southwest side of Friedens Church Road (Route 682) and Cross Keys Road (Route 276), Election District #3, zoned A-2 (Prime Agricultural). Tax Map # 139-(A)-55A, #139-(A)-168 and #139-(A)-45. Property addresses: 4771 and 4643 Cross Keys Road and 4624 Friedens Church Road.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, 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, with the following conditions,

approved SUP18-160 Frieden Farms, LLC, PO Box 183, Mt. Crawford, VA 22841 for addition to existing event center on parcel #44 and to allow an additional location on the farm where events may be held on tax map #139-(A)-168.

CONDITIONS:

1. This approval is for the addition to the existing event center on tax parcel 139-(A)-44 and for an event venue on tax parcel #139-(A)-168 in the vicinity of the pond and picnic shelter.
2. For the event venue on tax parcel #139-(A)-168, there shall be no more than eighty-five (85) people total, including wedding party, present at any event.
3. Use shall be located in substantial accordance to plot plan submitted with the application.
4. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
5. Septic approval shall be obtained for the restrooms to be placed in the event center building. A copy of said permit shall be submitted to the Community Development Department prior to issuance of a building permit. Septic shall be installed and approved by the Health Department prior to issuance of a certificate of occupancy.
6. Entrance permits will be required to upgrade entrance on Cross Keys Road. Entrance permit shall be obtained from VDOT and the entrance shall be installed by the applicant and approved by VDOT prior to this location being used for events.
7. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
8. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
9. There shall be no off-premise signs permitted unless all County and State regulations are met.
10. Parking shall comply with the Rockingham County Code.
11. Parking for any event on tax parcel #139-(A)-168 shall be entirely on the event venue parcel and not on adjoining property.
12. For parcel #139-(A)-168, on the southwest side of the site, there shall be an evergreen buffer that shall hide the shelter and tent from view of the adjoining property owners. Said buffer shall be maintained at all times.
13. All supplemental standards regarding event centers shall be met and shall be attached to the special use permit and become a part of the special use permit conditions except that Condition #14 shall further restrict the hours of the events on tax parcel #139-(A)-168.
14. All events on tax parcel 139-(A)-168 shall end by 10:00 p.m. with clean-up completed by 11:00 p.m.
15. SUP17-245 issued on November 15, 2017 remains in effect and the conditions shall be enforced.
16. The building to be used for this business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated September 19, 2018.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized the following:

- 1) Staff to accept the bid from Fire & Safety Company, Inc. for self-contained breathing apparatus equipment (SCBA) for the Rockingham County Fire and Rescue Department;
- 2) Staff to accept the bid from Pierce for the purchase of a fire truck to be housed at the Bridgewater Station, which was approved during the fiscal year 2019 budget process for \$598,217.

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COMMITTEE REPORTS.

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

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Kyger reported that the CCJB meeting will be held October 15, 2018, at 7 p.m. at James Madison University’s Memorial Hall.

FINANCE

On motion by Supervisor Breeden, 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 a supplemental appropriation for the following capital projects, which were started prior to the beginning of fiscal year 2019 (Note: funds are available in the Capital Projects fund balance and committed to the specific projects listed):

Financial Software	\$901,335
ECC Project	\$1,522,755
Rockingham Park	\$1,297,975
Document Imaging Project	\$60,000
Court Facility Study	\$34,645
Reservoir Street Project	\$436,265
Massanetta Springs Road	\$3,485,250
Port Road Emergency Services Station	\$1,200,000
Jail HVAC Upgrade	\$1,430,300
Miscellaneous Projects	\$680,355
Spotswood Trail Route 33 Project	\$414,910

Supplemental Appropriation: \$11,463,790

\$11,463,79	GL Code: 1101-00000-15201-000-352000-000	Capital Projects Fund: Fund Reserve
0	GL Code: 1101-Various Projects	Capital Projects Fund: Various
\$11,463,79		
0		

On motion by Supervisor Breeden, 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 supplemental appropriation:

Rockingham County Sheriff’s Office

The Rockingham County Sheriff’s Office received additional funding from NOVA/DC/ICAC (Northern Virginia Internet Crimes Against Children Task Force). Funds will be used to support Internet Crimes Against Children Expenses. No local funds are necessary.

\$13,000 GL Code: 1001-03102-10310-000-506065-000 Minor Equipment
 \$13,000 GL Code: 1001-00000-12404-000-324990-000 Other State Funds

On motion by Supervisor Breeden, 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 supplemental appropriation:

Treasurer’s Counter Upgrades

A supplemental appropriation to upgrade the counters in the Treasurer’s Office. The construction is expected to cost around \$17,000, and with minor electrical work and carpet, staff does not expect the project to exceed \$25,000.

Supplemental Appropriation: \$25,000

\$25,000 GL Code: 1001-04300-00000-000-508305-000 County Facilities Maintenance
 \$25,000 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

On motion by Supervisor Breeden, 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 supplemental appropriation:

Electoral Board

A supplemental appropriation in the amount of \$35,000 to cover the additional required expenses to hold the primary in June and to cover the cost to service the voting machines.

Supplemental Appropriation: \$35,000

\$35,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Reserve
 \$18,000 GL Code: 1001-01301-00000-000-503902-000 Electoral Board: Election Workers
 \$17,000 GL Code: 1001-01301-00000-000-503302-000 Electoral Board: Maintenance Contracts

On motion by Supervisor Breeden, 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 supplemental appropriation:

Fire & Rescue

The Fire and Rescue department is over budget due to the staffing requirements needed to fill all positions needed for minimum staffing levels. The budget for overtime during fiscal year 2018 was \$200,000; \$472,249 was actually spent to fill the need. Staff is working to identify ways to reduce overtime payments during fiscal year 2019. Until then, a supplemental appropriation in the amount of \$111,000 is needed to cover the department overage.

Supplemental Appropriation: \$111,000

\$111,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Reserve
 0 GL Code: 1001-03201-00000-000-501200-000 Fire and Rescue: Overtime
 \$111,000
 0

On motion by Supervisor Breeden, 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 supplemental appropriation:

Animal Control

A supplemental appropriation in the amount of \$4,000. The Animal Control department is over budget due to numerous maintenance and repair items related to vehicles. The budget for garage items was \$7,000 and \$15,923 was spent.

Supplemental Appropriation: \$4,000

\$4,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Reserve
 \$4,000 GL Code: 1001-03501-00000-000-504500-000 Animal Control: Central Garage

On motion by Supervisor Breeden, 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 supplemental appropriation:

Central Garage

A supplemental appropriation in the amount of \$134,000. The Central Garage department is over budget in the amount of \$134,000 due to a combination of fuel consumption and supplies for vehicle repairs.

Supplemental Appropriation: \$134,000

\$134,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Reserve
 0 GL Code: 1001-01221-00000-000-506008-000 Garage: Vehicle Fuel
 \$100,00 GL Code: 1001-01221-00000-000-506009-000 Garage: Vehicle Supplies
 0

\$34,000

On motion by Supervisor Breeden, 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 supplemental appropriation:

Property Tax Relief for the Elderly and Veterans

A supplemental appropriation in the amount of \$125,000. The County offers a real estate relief program for elderly, handicapped and veteran citizens. The applicant must meet certain guidelines in order to qualify for the assistance. The program is run through the Commissioner of Revenue’s office. The relief given to tax payers in fiscal year 2018 was \$484,517, 15 new veterans qualified this year. The amount budgeted was \$360,000.

Supplemental Appropriation: \$125,000

\$125,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Reserve

\$125,000 GL Code: 1001-05302-00000-000-505736-000 Property Tax Relief - Elderly

On motion by Supervisor Breeden, 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 supplemental appropriation:

Economic Development

A supplemental appropriation in the amount of \$500,000. The Economic Development department is over the amount allocated for the year due to the payment of grants in the County’s various technology zones. The overage is \$500,000.

Supplemental Appropriation: \$500,000

\$500,00	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Reserve
0	GL Code: 1001-08102-00000-000-505890-000	Economic Development: Technology Zone
\$500,00		Grant
0		

On motion by Supervisor Breeden, 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 supplemental appropriation:

Interest

A supplemental appropriation in the amount of \$14,000. The County’s interest payments are over budget in the amount of \$14,000. When the budget was estimated for the debt service payment on the radio purchase, it did not include the fees to close the loan.

Supplemental Appropriation: \$14,000

\$14,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Reserve
\$14,000	GL Code: 1001-09501-00000-000-509213-000	Interest – Radio Lease

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Community Development Deputy Director Cooper reported that the MPO Virginia 42 and Garber’s Church Road Intersection Connectivity Plan was presented to the MPO Technical Advisory Committee in September. The small area study was conducted to look at opportunities for safe left-turn movements from the Route 42 bike/buggy lanes onto Garbers Church Road. Ms. Cooper noted that the City is proposing a bike lane and sidewalk on Erikson Avenue in a future road project and the hope is to widen the bike lanes to accommodate buggies as well.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Assistant County Administrator Armstrong reported that the SVP hosted its second annual site familiarization tour last week. He said site consultants from around the Country toured several properties in the Valley and provided consultation services and guidance.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

As a member of the VACo education committee, Supervisor Kyger announced that he will attend a seminar at the University of Virginia in October related to teacher retention for public schools.

Supervisor Kyger reminded staff of the Annual VACo conference on November 11-13, 2018, at The Omni Homestead in Bath County, Virginia.

On motion by Supervisor Breeden, 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 designated Supervisor Kyger as the County’s voting member at the Virginia Association of Counties (VACo) Annual Conference to be held November 11-13, 2018.

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RECESS.

Chairman Cuevas recessed the meeting at 6:55 p .m.

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PUBLIC HEARING – REZONINGS.

At 7:00 p.m., Chairman Cuevas opened the public hearing and Director of Planning Dyjak reviewed the following rezoning requests:

REZ18-216 Wade Hughes LLC, 559 Old Sawmill Rd. Rockingham VA 22802, to rezone a 3.00-acre parcel located on the west side of North Valley Pike (Rt. 11) approximately 500' south of Mayland Rd. (Rt. 259), from A2 (General Agricultural) to B2C (Neighborhood Business with Conditions). The property is shown as Agricultural Reserve in the Comprehensive Plan. Tax Map# 67-(A)-L11A2. Election District 1.

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

The applicant, Lauren Arbogast, was available for questions.

No one spoke in opposition to the request.

REZ18-194 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA, to rezone a 1.6-acre portion of 127.6 acre parcel located on the north side of Shen Lake Dr. (Rt. 689) approximately 500' west of Lakeview Dr. (Rt. 1025), from R2 (Medium Density Residential) to B1C (General Business with Conditions). The Comprehensive Plan identifies the area as Community Residential within the Urban Growth Area. Tax Map #126-(A)-L44. Election District 3.

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

Lakeview Development Corporation President Dr. John Kidd indicated the 1.6 acre portion of property was left after Lakeview sold property to Sunnyside. He indicated the golf course had to revamp its business model and wishes to rezone the property to add High Definition Golf, Lakeview’s’ fourth revenue source.

ORDINANCE AMENDMENTS.

Administrator King reviewed the following proposed ordinance amendments:

Regarding the proposed amendment to aircraft tax rates, Administrator King conveyed staff’s intent to reduce the tax rate for certain classifications of aircraft from three dollars per one hundred dollars of value to forty-four cents per one hundred dollars of value. He pointed out that

the tax rate for the classification of Warbirds, aircraft manufactured for military use before 1954, are exempt. All other aircraft classifications will be \$0.44.

No members of the public spoke regarding the ordinance amendment.

Regarding the proposed amendment to the Transient Occupancy Tax Rate, Administrator King conveyed staff's intent to increase the transient occupancy tax rate from two percent to five percent and pointed out that the transient occupancy tax applies to the short-term rental of residential properties.

The proposed increase would become effective January 1, 2019, in order to allow time for the public to adjust since it would include short-term rental properties such as Airbnb's.

Chairman Cuevas pointed out that the increase allowed by the State primarily affects tourists staying in hotels and at other short-term rental locations in the County.

No one spoke in opposition to the ordinance amendment.

Supervisor Kyger noted that the State requires the revenue generated from the additional three percent tax to be used for marketing or tourism expenses in the County.

At 7:25 p.m., Chairman Cuevas closed the public hearing.

On behalf of Chairman Cuevas, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following proffers, approved REZ18-216 Wade Hughes LLC, 559 Old Sawmill Rd. Rockingham VA 22802, to rezone a 3.00-acre parcel located on the west side of North Valley Pike (Rt. 11) approximately 500' south of Mayland Rd. (Rt. 259), from A2 (General Agricultural) to B2C (Neighborhood Business with Conditions). The property is shown as Agricultural Reserve in the Comprehensive Plan. Tax Map# 67-(A)-L11A2. Election District 1.

Proffers:

1. In order to alleviate noted concerns regarding potential impacts of increased traffic generation, the following high-traffic generating uses (with use codes as defined in the *Institute of Transportation Engineers Trip Generation Manual, 10th Edition*) will NOT be developed on the site:
 - a. Quick Serve Restaurants with Drive-Through Window
ITE Use Codes 934, 935, 937, 938, and 940
 - b. Gas / Fueling Stations, with or without Convenience Markets
ITE Use Codes 944 and 945
 - c. Drive-in Banks
ITE Use Code 912.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following proffers, approved REZ18-194 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA, to rezone a 1.6-acre portion of 127.6 acre parcel located on the north side of Shen Lake Dr. (Rt. 689) approximately 500' west of Lakeview Dr. (Rt. 1025), from R2

(Medium Density Residential) to B1C (General Business with Conditions). The Comprehensive Plan identifies the area as Community Residential within the Urban Growth Area. Tax Map #126-(A)-L44. Election District 3.

Proffers:

1. All conditions from rezoning request REZ12-251(copy included) shall be adhered to. We wish to add a room to the rear of our current pro shop to house our new HD Golf Center. All Rockingham County building requirements will be met. We also will connect to County sewer during the project.
2. The use of the HD Golf Center will be completed under the "associated golf course activities" as stated in Proffer statement No. 1 in the attached 2012 Proffer statement. We wish to remain a golf related business as our business goal.

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

**ORDINANCE ENACTING
AIRCRAFT TAX CLASSIFICATIONS
AND RATES
FOR
ROCKINGHAM COUNTY, VIRGINIA**

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

Pursuant to authority granted in Section 58.1-3506 of the Code of Virginia (1950), as amended, there are hereby declared as separate classifications of property for taxation purposes those four classifications set forth in subsections A.2, A.3, A.4 and A.5 of Section 58.1-3506, to wit, aircraft having a maximum passenger seating capacity of no more than 50, aircraft having a registered empty gross weight equal to or greater than 20,000 pounds, aircraft that are considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and all other aircraft not included in the three preceding classifications. For the full description and definition of the four classifications, reference is made to Virginia Code Section 58.1-3506.

The tax rate for the classification of Warbirds, manufactured and intended for military use, excluding those manufactured after 1954 shall be \$0.00. The tax rate for the other three aircraft classifications shall be \$0.44.

This ordinance shall be effective from the 1st day of January, 2018.

Adopted the 26th day of September, 2018.

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

**ORDINANCE REPEALING
AND RE-ENACTING
SECTION 7-24
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 7-24 “Levy and rate” be and hereby is repealed and re-enacted as follows:

Section 7–24. – Levy and rate.

In addition to all other taxes of every kind, now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to five (5) percent of the total amount paid for room or space rental to any hotel or travel campground as well as any residence or portion of a residence rented for a period of fewer than thirty days.

This ordinance shall be effective from the 1st day of January, 2019.

Adopted the 26th day of September, 2018.

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CLOSED MEETING.

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 recessed the meeting from 7:28 p.m. to 8:07 p.m., for a closed meeting pursuant to 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.

MOTION: SUPERVISOR CHANDLER RESOLUTION NO: 18-19
SECOND: SUPERVISOR WOLFE-GARRISON MEETING DATE: SEPTEMBER 26, 2018

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 Cuevas declared the meeting adjourned at 8:07 p.m.

_____,
Chairman