



BOARD OF SUPERVISORS
BRENT V. TRUMBO
 Election District No. 1
SALLIE WOLFE-GARRISON
 Election District No. 2
RICK L. CHANDLER
 Election District No. 3
WILLIAM B. KYGER, JR.
 Election District No. 4
MICHAEL A. BREEDEN
 Election District No. 5

ROCKINGHAM COUNTY

BOARD OF SUPERVISORS MEETING
 February 26, 2020

3:30 P.M. BUDGET WORK SESSION – COMMUNITY ROOM, COMMUNITY DEVELOPMENT

6:00 P.M. CALL TO ORDER – CHAIRMAN WILLIAM B. KYGER, JR.
 INVOCATION – SUPERVISOR RICK L. CHANDLER
 PLEDGE OF ALLEGIANCE – COUNTY ADMINISTRATOR STEPHEN G. KING

1. Approval of Minutes – Regular Meeting of February 12, 2020
2. Report – Virginia Department of Transportation – Residency Administrator Donald F. Komara
3. Consideration – Refund of Overpayment of Taxes – Merck Sharp & Dohme Corp. – Commissioner of the Revenue Lowell R. Barb
4. Consideration – Proposed Ordinance Enacting Chapter 11, Article XI, “Inoperable Vehicles”
5. Request to Strengthen Second Amendment Status – Brian Robbins

*Recess for a Meeting of the
 Lake Shenandoah Stormwater Control Authority*

6. Meeting of Lake Shenandoah Stormwater Control Authority
 - a. Call to Order – Chairman
 - b. Approval of Minutes – Special Meeting of February 12, 2020
 - c. Consideration – Resolution (Preliminary Rate/Fee Schedule)
 - d. Adjourn
7. Staff Reports:
 - a. County Administrator – Stephen G. King
 - b. County Attorney – Thomas H. Miller, Jr.
 - c. Assistant County Administrator – Casey B. Armstrong
 - d. Director of Finance – Patricia D. Davidson
 - e. Director of Public Works – Philip S. Rhodes
 - f. Director of Community Development – Rhonda H. Cooper
8. Committee Reports: Airport, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Finance, Harrisonburg-Rockingham Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Massanutten Regional Library, Public Works, Shenandoah Valley Partnership, Social Services, Technology, VACo Liaison, Chairman, Other

*** ADJOURN ***

February 12, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 12, 2020, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

- BRENT V. TRUMBO, 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
- KIRBY W. DEAN, Director of Parks & Recreation
- ANN MARIE FREEMAN, Director of Court Services
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Deputy Zoning Administrator and Code Compliance Officer
- JUSTIN S. MOYERS, Deputy Director of Finance
- LISA K. PERRY, Director of Environmental Services
- DIANA C. STULTZ, Zoning Administrator
- 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 Kyger called the meeting to order at 3:00 p.m.

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

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INTRODUCTION OF STUDENTS.

A student from East Rockingham High School introduced herself to the Board.

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APPROVAL OF MINUTES.

On motion by Supervisor Trumbo, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE;

KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of January 22, 2020.

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TRANSPORTATION DEPARTMENT.

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

- Although rain delayed work over the last two weeks, the Route 11 bridge work over I-81, Exit 257 at Mauzy continues to progress well. The contractor may complete the bridge by December- six months ahead of schedule;
- The Lairs Run Road bridge (Route 921) will be completed in June;
- The Route 42 Bicycle/Buggy lane extension will begin in April and will be finished by the end of May;
- Work has started on the realignment of the I-81 Exit 245 northbound off ramp to intersect Port Republic Road directly across from the Forest Hill Road intersection;
- Rural rustic work is occurring on Power Dam Road (Route 651), Cromer Road (Route 765), Slab Road (Route 734), and Swope Road (736);
- Maintenance items included brush cutting, pothole patching and excavating;
- Mr. Komara announced that a citizen information meeting concerning safety improvements to Brocks Gap Road (Route 259) is scheduled for February 13, 2020, at 4 p.m., at Fulks Run Elementary School.

Supervisor Trumbo indicated he has heard concerns that American Legion Drive (Route 800) is too narrow for vehicles to pass one another simultaneously near the culvert. Supervisor Trumbo also mentioned that the stop sign at the intersection of Lone Pine Road (Route 618) and New Market Road (Route 211) is frequently knocked down and wondered if placing it on the right-hand side of the intersection would help.

Supervisor Breeden stated that the Sun Valley bridge on South East Side Highway (Route 340) needs to be widened. He said it is dangerous for two large vehicles crossing the bridge at once, pointing out that there is a lot of large industrial truck traffic in the MillerCoors and Merck corridor.

Supervisor Wolfe-Garrison brought attention to two downed road signs: the Garden Club trash pick-up acknowledgement sign on Swope Road (Route 736) and the turn sign on Weavers Road (Route 726), west of Route 766.

Supervisor Wolfe-Garrison also stated that motorcyclists have voiced concern over a rough patch of pavement on Weavers Road (Route 726) in the eastbound lane. She indicated that roughly 15-18 feet of pavement in the “s” curve is “chewed up” and should be repaved.

Chairman Kyger reiterated the need for improvements to Ladybug Road (Route 749). He mentioned the bridge near the community center in Briery Branch could use some attention and suggested that fire and rescue staff could possibly help clear some of the brush.

Chairman Kyger brought attention to an area on Interstate 81 (not too far after Exit 240 in Mount Crawford) where the pavement has a rough patch that affects steering. He said the rough patch is in the northbound, right lane. He also suggested that the realignment of Airport Road (Route 727) and Springcreek Road (Route 613) be considered in the future.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s Economic Development staff report dated February 12, 2020.

In response to a question from Supervisor Wolfe-Garrison, Mr. Armstrong indicated the tourism promotional videos will be made accessible through the County's economic development webpage and via social media.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed the Finance Director's staff report dated February 3, 2020.

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; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board declared the following items surplus to be disposed of through the public surplus auction or to be discarded:

Items to Declare Surplus – February 2020

Description	Quantity
<u>Public Works</u>	
10.0 Horsepower, 460 Vols, 12.8 amps, RPM 1745	2
40 Horsepower, 460 volts, 46.5 amps, 1780 rpm	2
Motorized, Overhead Door	1
<u>Technology</u>	
Dell Latitude C840 laptop, no hard drive	1
Dell Latitude CPX laptop, no hard drive	1
Dell Latitude C600 laptop, no hard drive	1
Dell Latitude D830 laptops, no hard drives	5
Dell Latitude D630 laptop, no hard drive	1
HP Server ProLiant ML350, no hard drives	2
HP Server ProLiant ML350G6, no hard drive	1
HP Server ProLiant ML370, no hard drive	1
HP Server ProLiant ML330G6, no hard drive	1
iPhone 6	2
iPad Air	1
Fujitsu Scanners Scan Snap S300	5

Items to Discard – February 2020

Desktop Computers w/o hard drives	220
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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Mongold's staff report dated February 12, 2020.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated February 12, 2020.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report dated February 12, 2020.

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TECHNOLOGY DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Perry’s staff report dated February 2020.

Mrs. Perry reported that local government IT professionals recently met with the Virginia Department of Elections regarding new security mandates for localities. The new security standards are required to be implemented starting this year. Mrs. Perry indicated the length of time it will take the County to meet the state mandate will depend on the upcoming County budget. Mrs. Perry acknowledged that security is a high priority; but noted that the unfunded state mandate required by localities, in a short time period, is distressing.

Mrs. Perry indicated technology requests involving the new security initiative will be discussed with the technology committee in the same manner as other requests.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Holloway’s staff report dated February 2020.

Chief Holloway reported that staff recently participated in active shooter training with other local agencies. He said in addition to the benefits of the training, it provided the opportunity for agencies to build good working relationships.

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PARKS & RECREATION DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Dean’s staff report dated February 3 2020.

Mr. Dean presented a request to amend Article VII of the Recreation Commission Bylaws. The amendment would reduce the total number of meetings per year from ten to six. Mr. Dean noted the five Commissioners are in agreement with the proposed amendment.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Recreation Commission Bylaws to be effective immediately:

BYLAWS OF THE ROCKINGHAM COUNTY RECREATION COMMISSION

The following Bylaws are adopted by the Rockingham County Board of Supervisors (the Board) for the Rockingham County Recreation Commission (the Commission) and are effective as of February 13, 2020.

The Commission was established by resolution of the Board on August 13, 1968, and continues operating at the pleasure of and under the authority of the Board and pursuant to Section 15.2-1806 *et seq.* of the Code of Virginia, 1950, as amended.

Article I. Name.

The Name of this commission shall be the Rockingham County Recreation Commission.

Article II. Purpose.

The purpose of the Commission is to work through the Director of the Department of Parks and Recreation (the Director) to serve as the advisory body to the Director and the Board in matters pertaining to recreation programs and projects in the County.

Article III. Members

1. The Commission shall consist of five (5) members, one (1) from each election district, appointed by the Board. Pursuant to the Bylaws in effect prior to these December 14, 2016 Bylaws, the Commission consisted of ten (10) members. The five (5) member Commission shall be obtained by attrition as members' terms come to an end. Each Commission member shall serve a four (4) year term and may be re-appointed for a succeeding four-year term.
2. All members of the Commission shall be compensated at a rate and within the guidelines established by the Board from time-to-time.
3. Members serve at the pleasure of the Board and may be removed at anytime by the Board.
4. Vacancies on the Commission shall be reported to the Clerk of the Board, and shall be filled for the unexpired term of office.
5. Commission members are required to attend a minimum of two-thirds (2/3) of the regular Commission meetings each calendar year.

Article IV. Officers

1. The officers of the Commission shall be Chairman, Vice-Chairman and Secretary.
2. Officers shall be elected by the Commission members present at the January organizational meeting in even numbered years. The officer shall assume the office immediately and serve for a two (2) year term, or until a successor shall be elected and take office.
3. Vacancies in an officer position shall be filled at the next regular meeting by the Commission.

Article V. Duties of Officers

1. The Chairman shall preside at all meetings and hearings and appoint special and standing committees, report any official communication at the next regular meeting, stay informed by the Director of the activities of the Department of Parks and Recreation (the Department), and carry out other duties as assigned by the Board and the Commission.
2. The Vice-Chairman shall stay well informed of the activities of the Chairman and the Department and assume the duties and responsibilities of the Chairman in the Chairman's absence or incapacity.
3. The Secretary shall maintain summary minutes of all meetings and hearings of the Commission and standing committees, and shall provide approved copies of all minutes to the Director. The Secretary shall ensure that the Commission complies with all public notification requirements for regular and special meetings, and public hearings, of the Commission. The Secretary shall work with the Director to prepare and issue the official correspondence of the Commission, maintain the Commission documents, and certify any reports, records, or maps issued by the Commission.

Article VI. Committees

1. The following standing committees shall be appointed by the Chairman: athletics, programs & trips, special events, park, seniors, facilities and appeals.
2. The term for committee appointments shall be two (2) years. Vacancies shall be filled by the Chairman for the unexpired term.
3. Special committees may be appointed by the Chairman for the purposes and terms stipulated by the Commission.

Article VII. Meetings

1. A combined organizational and regular meeting shall be held in January of each year. Regular meeting days and times shall be set at the organizational meeting for the remainder of the year. There shall be six total meetings per calendar year, including the January organizational meeting.
2. Special meetings may be called by the Chairman or by two (2) members of the Commission. Written notice shall be given to each member at least five (5) days in advance. Notice may be waived in writing or deemed waived by attendance.
3. Public hearings shall be scheduled and conducted by the Commission at the request of the Chairman, two (2) members, or the Board of Supervisors. Public notice in a manner agreed upon by the Commission shall be given by the Secretary at least one (1) week in advance.
4. Public Information
 - a. All meetings and hearings and their minutes, records, reports and accounts shall be open to the public and posted on the County website or other means of public notice.
 - b. The Commission may hold closed meetings in compliance with state law.
 - c. Public participation in Commission meetings and activities is encouraged.
5. A simple majority of total membership shall be deemed a quorum, and is required for any vote to be taken by the Commission.
6. Order
 - a. The agenda for the regular meeting shall be: Call to Order by the Chairman, Roll Call, Determination of Quorum, Approval of Agenda, Approval of Minutes, Citizen Input, Reports of Standing Committees, Matters to be presented by Commission members, Old Business, New Business, and Adjournment.
 - b. The number of votes necessary to carry a motion or resolution shall be a majority of those present. Voting may be by roll call, in which case a record will be kept as part of the minutes.
 - c. Commission meetings shall follow parliamentary procedure as set forth in Robert's Rules of Order.

Article IX. Bylaws

These Bylaws may be amended from time-to-time by the Board.

AFTER SCHOOL PROGRAM

Mr. Dean reported that the After School Program will face challenges next year with the proposed earlier school release times. He explained that school officials have agreed to cover the extra hour between 2-3 p.m., if the Recreation Department is able to provide one staff person, per school during that time.

Mr. Dean pointed out that the Recreation Department is currently struggling to maintain sufficient staff in the After School Program. He said the program needs to be evaluated to determine whether it should be downsized or to determine how to meet and maintain adequate staffing needs.

Discussion ensued. Chairman Kyger suggested that Board members and staff consolidate questions and schedule a meeting to discuss the Program moving forward.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated February 12, 2020.

Supervisor Wolfe-Garrison inquired as to whether the Harrisonburg Rockingham Page Reentry Council (HRPRC) provides brochures in other languages and asked where the brochure is made accessible to the community. Mrs. Freeman indicated she will ask HRPRC if the brochure is available in other languages and stated that Court Services prints various brochures to make available to their clients.

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2020 CENSUS UPDATE.

Director of Planning Dyjak provided an update regarding the 2020 Census. He said the County is coordinating with regional partners to get as much information out to the community as possible. For clarification, he explained that while the decennial census is coming up, the American Community Survey (ACS) is simultaneously being distributed to some residences. The decennial census involves a ten-question survey distributed to every residence in the U.S. The ACS survey is an ongoing survey by the U.S. Census Bureau that regularly gathers more-detailed demographical information. Mr. Dyjak confirmed that any household receiving both surveys is required to complete and return each.

Chairman Kyger said that every residential address will receive a postcard questionnaire before April 1, 2020. This is the first census to offer options to respond online or by phone, in addition to the paper form. Chairman Kyger stressed the importance of the decennial census, stating it is a constitutional requirement of all persons residing in the United States. He urged everyone to take part in his or her constitutional duty by completing the census, and he reiterated that for every person counted, respective localities receive \$2,000 in annual federal funding per person.

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COMMITTEE REPORTS.

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

COMMUNITY CRIMINAL JUSTICE BOARD

Supervisor Chandler announced that Frank Sottaceti was hired to fill the Community Criminal Justice Board Planner position and will begin on March 9, 2020.

FINANCE

Supervisor Breeden reminded the Board that the FY20-21 budget work session is scheduled for February 26, 2020, at 3:30 p.m., in the fire and rescue training room.

SOCIAL SERVICES

Supervisor Breeden indicated there were not enough advisory members at the last meeting to take action on any items.

VACO

Chairman Kyger reported that the recent VACo Legislative Day was informative. He said it appears the Revenue Fairness Bills are moving forward and he is hopeful the proposed legislation will pass in order for the County to gain the same taxing authority as cities and towns. Chairman Kyger also indicated it appears significant legislation will be brought before the Governor that could greatly benefit Counties.

CHAIRMAN

A citizen asked if he could address the Board concerning the protection of citizens' constitutional rights. Chairman Kyger suggested the citizen contact Mr. King after the meeting to be placed on an upcoming agenda.

PUBLIC WORKS

Supervisor Wolfe-Garrison reported that the Public Works Committee met with Public Works Director Rhodes earlier in the day to discuss a Milstead development that originated in 2004. The County has no water and sewer facilities available to the property. The City agreed to provide water and sewer for the project in 2004. The project never started and now that the developer is ready to move forward, the City has asked Milstead Construction to submit an application for public utilities, in order to reevaluate the water and sewer request. The application requires the County to sign-off.

Supervisor Wolfe-Garrison indicated the committee discussed the request and recommended staff sign the application and designate the development to be served as direct City customers.

By consensus, the Board authorized staff to sign and return the application to the City with a request that the individual lots in the development be direct water and sewer customers of the City of Harrisonburg.

RECESS.

At 4:17 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Lake Shenandoah Stormwater Control Authority, which was followed by a dinner break.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:00 p.m., Chairman Kyger reconvened the Regular Meeting of the Board of Supervisors and opened the public hearing.

Ms. Stultz reviewed the following special use permit request:

SUP19-303 Joseph R. Bauman, 5260 E. Timber Ridge Road, Mt. Crawford, 22841 for 36' x48' addition to small contractor's business on property located on the west side of E. Timber Ridge Road (Route 668) approximately 1400' east of Cross Keys Road (Route 276), Election District #3, zoned A-2. Tax Map #151-(A)-9D.

The applicant was present.

No one spoke regarding the request.

Deputy Zoning Administrator Getz reviewed the following request:

SUP19-305 Ashleigh Sheaves/Johnny Sheaves, PO Box 352, Bridgewater 22812 for a second residence on property located at deadend of Sheaves Lane (private) and joining Warm Springs Pike (Route 42) on the south side of Warm Springs Pike, Election District #4, zoned A-2, Tax Map #136-(A)-6B. Property Address: 8517 Sheaves Lane.

The applicants were present.

No one spoke regarding the request.

Ms. Stultz reviewed the following request:

SUP19-316 Cross Keys Farm, Inc. PO Box 281, Crimora, 24431 for a farm market on property located on the west side of Cross Keys Road (Route 276) across from Battlefield Road (Route 679), Election District #3, zoned A-2. Tax Map #139-(A)-118. Property address: 3022 Cross Keys Road.

The applicant was present.

No one spoke regarding the request.

Chairman Kyger closed the public hearing at 6:16 p.m.

SUP19-303

Supervisor Chandler stated that since the addition to the business does not create additional positions or increased traffic, he recommends approval of the request.

Supervisor Chandler motioned for approval, seconded by Supervisor Breeden.

Supervisor Trumbo asked if there are site storage regulations. Ms. Stultz indicated the site must be kept in a neat manner. She explained that the intent of the 5,000 square foot building is to allow room for indoor storage of materials. Mr. Trumbo said the site appears clean now and said he would like to see it remain that way.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, with the following conditions, approved SUP19-303 Joseph R. Bauman, 5260 E. Timber Ridge Road, Mt. Crawford, 22841 for 36' x48' addition to small contractor's business on property located on the west side of E. Timber Ridge Road (Route 668) approximately 1400' east of Cross Keys Road (Route 276), Election District #3, zoned A-2. Tax Map #151-(A)-9D.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Addition shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. All Health Department regulations regarding septic shall be met. Should the Health Department require a septic permit, a copy of said permit shall be submitted to Community Development prior to application for a building permit.
4. Site plan requirements shall be met.
5. All supplemental standards involving small contractor's business shall be met and shall be attached to the special use permit and become a part of the special use conditions. Those supplemental standards will change only if the County supplemental standards regarding small contractor's business change.

SUP19-305

Chairman Kyger indicated the request meets the intent and design of the County Code and requested a member of the Board bring forth a motion for approval on his behalf.

On behalf of Chairman Kyger, 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; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, with the following conditions, approved SUP19-305

Ashleigh Sheaves/Johnny Sheaves, PO Box 352, Bridgewater 22812 for a second residence on property located at deadend of Sheaves Lane (private) and joining Warm Springs Pike (Route 42) on the south side of Warm Springs Pike, Election District #4, zoned A-2, Tax Map #136-(A)-6B. Property Address: 8517 Sheaves Lane.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Residence shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. Residence shall not be occupied until such time as 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.

SUP19-316

Supervisor Chandler motioned for approval of SUP19-316, seconded by Supervisor Breeden.

Chairman Kyger recalled the effort put forth for the protection and integrity of the two battlefields in Rockingham County. He said he appreciated the applicant's good stewardship and applauded them for their efforts in maintaining and enhancing the property.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, with the following conditions, approved SUP19-316 Cross Keys Farm, Inc. PO Box 281, Crimora, 24431 for a farm market on property located on the west side of Cross Keys Road (Route 276) across from Battlefield Road (Route 679), Election District #3, zoned A-2. Tax Map #139-(A)-118. Property address: 3022 Cross Keys 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. This business shall be permitted to operate with portable toilets for the first two seasons to allow time for the business to become established. Prior to the 2022 selling season, an approved septic shall be installed.
4. As the restroom facilities will require construction of a building, a new special use permit shall be required at that time.
5. All supplemental standards involving farm markets shall be met and shall be attached to the special use permit and become a part of the special use conditions. Those supplemental standards will change only if the County supplemental standards regarding farm markets change.
6. In accordance with VDOT requirements, this business may open with existing entrance; and as the business grows, the entrance shall be re-evaluated by VDOT on an annual or bi-annual basis.
7. Should VDOT require upgrades to the existing entrance at any time, those requirements shall be met.

8. Site shall be evaluated to determine if a site plan shall be needed. If needed, applicant shall meet all requirements regarding the site plan.
9. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.

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ADJOURNMENT.

Chairman Kyger declared the meeting adjourned at 6:22 p.m.

Chairman

DRAFT

**ORDINANCE ENACTING
ARTICLE XI OF CHAPTER 11
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Chapter 11, Article XI, "Inoperable Vehicles" be enacted as follows:
Keeping of inoperable vehicles; removal.

Section 11-64. Definitions.

As used in this Article, the following definitions shall apply:

1. The term "cover" means a form-fitted defect-free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view.
2. The term "inoperable vehicle" means any motor vehicle, trailer or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by the Code of Virginia to display valid license plates; or (iii) it does not display a valid inspection decal if the vehicle is required by the Code of Virginia to display a valid inspection decal.
3. The term "screened from view" means that the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the parcel on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) a masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing.

Inoperable vehicles are subject to the following:

Section 11-65. Unshielded or unshielded inoperable vehicles prohibited.

It shall be unlawful for any person to keep an inoperable vehicle on any parcel in the county, except within a fully enclosed building or structure, subject to the following:

1. In the A1 and A2 zoning districts. On any parcel in the A1 or A2 zoning district, only one (1) inoperable vehicle per acre, with a maximum of five (5) may be parked or stored outside of a fully enclosed building so long as each vehicle parked or stored outside of a fully enclosed building is covered or screened from view.

2. In all other zoning districts, no more than one (1) inoperable vehicle may be located outside of a fully enclosed building and said vehicle shall be covered or screened from view. Up to two (2) inoperable vehicles, covered or screened from view, may be located outside if the property owner or occupant demonstrates that he is actively restoring or repairing one of the vehicles by using parts from the other vehicle and the repair or restoration will be completed within a consecutive one hundred eighty (180) day period, at which time the vehicle being used for parts will be removed from the property or placed within a fully enclosed building. The one hundred eighty (180) day period may be extended by the County Administrator or designee upon the property owner or occupant demonstrating to the satisfaction of the County Administrator or designee that more than one hundred eighty (180) days is required to actively restore or repair the vehicle.

Section 11-66. Authorized businesses in commercial, industrial or other zoning districts.

Section 11-64 shall not apply to any licensed business regularly engaged in business as a motor vehicle sales lot, motor vehicle repair shop, automobile graveyard, or impound lot that is operated in compliance with this chapter, including any such business operating as a lawful nonconforming use; provided that on any parcel in any commercial or industrial zoning district, including the commercial and industrial sections of any planned development zoning district, and on any parcel in any other zoning district in which any such a use has been authorized by special use permit, no inoperable vehicle may be parked or stored outside of a fully enclosed building except in the location designated for that use on an approved site plan.

Section 11-67. Removal and disposition of inoperable vehicles.

Inoperable vehicles may be removed and shall be disposed of as follows: 1. Removal by the landowner. The owners of a parcel used or zoned for residential purposes, or zoned for commercial or agricultural purposes shall, at such time or times as the zoning administrator prescribes, remove any inoperable motor vehicles that are not authorized to be parked or stored outside of a fully enclosed building or structure as provided in this Article. 2. Removal and disposal by the county. The County Administrator or designee may file a Motion and Notice of Hearing with the General District Court for the removal of any inoperable motor vehicle whenever the owner of the parcel, after reasonable written notice has been provided, has failed to remove said vehicle as provided in this Article. If the county removes an inoperable motor vehicle, the vehicle may be disposed after giving additional notice to the owner of the vehicle. 3. Recovery of county costs. The costs incurred by the county for removal and disposal of any inoperable motor vehicle shall be charged to the owner of the vehicle, the owner of the premises from which the vehicle was removed, or both, and may be collected as taxes are collected. Every cost assessed to the premises shall constitute a lien against the tax map parcel from which the vehicle was removed. The lien shall continue until actual payment of the costs, with all penalties and interest accrued, has been made to the county.

Section 11-68. Enforcement

The County Administrator or designee is hereby designated as the official authorized to administer and enforce the provisions of this section.

CALL FOR COUNTY MUSTER of the Unorganized Militia



WHEREAS, from the founding of this Nation, Virginians have embraced the principle of resistance to abuse of power; that when a higher government overreaches, it is the duty of the lesser governments to interpose themselves, to protect the People, to give meaning to the protections of the U.S. and Virginia Constitutions; and

WHEREAS, in the face of overreach, James Madison posited that lesser governments are “to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them;” and

WHEREAS, Thomas Jefferson went further, stating that when a higher government “assumes undelegated powers, its acts are unauthoritative, void, & of no force;” and

WHEREAS, the natural right of self-defense with arms belongs both to the individual and to the People of this County, collectively; and is recognized in Article 1 Section 13 of the Virginia Constitution, which describes the “militia” as “the body of the people, trained to arms” and ordains that “in all cases the military should be under strict subordination to, and governed by, the civil power;” and this natural right is also recognized in the Second Amendment to the U.S. Constitution; and

WHEREAS, since time immemorial in England and in this Commonwealth, militia have been raised at the county level; and

WHEREAS, George Mason, the author of Article 1 Section 13 of the Virginia Constitution, at a meeting of 21 Sept. 1774 chaired the creation of an independent company of volunteer militia for Fairfax County, independent of the royal governor; and Patrick Henry, the first governor of Virginia, raised an independent company of volunteer militia under similar exigent circumstances; and

WHEREAS, notwithstanding the recognition by Virginia Code § 44-1 of the “unorganized” “militia of the Commonwealth of Virginia” and the recognition by U.S.C.A. § 246’s of the “Unorganized Militia” of the United States, the County’s power to call for a voluntary muster of the “unorganized” militia within its borders is not in any way foreclosed, nor is its power to raise the COUNTY NAME Militia under exigent circumstances, to preserve civil order and prevent civil rights violations; and

WHEREAS, the Board of Supervisors of COUNTY NAME, Virginia has sought to protect the rights of the People by declaring COUNTY NAME a “Second Amendment Sanctuary,” providing new safeguards for



their future security; and

WHEREAS, the Board of Supervisors has called upon the COUNTY NAME Sheriff and the Commonwealth Attorney; their deputies and employees; and the People of COUNTY NAME, to resist tyrannical attempts to deprive the People of certain firearms and components which are necessary for self-defense; militia service; law enforcement, and national defense; THEREFORE:

1. The BOARD OF SUPERVISORS/SHERIFF of COUNTY NAME hereby calls for a voluntary muster of those law-abiding citizens, without regard to race, religion, color, sex, or creed, who currently constitute the Unorganized Militia of COUNTY NAME, who are between the ages of 18 and 55, and those citizens above the age of 55, who may currently lawfully possess a firearm, and who are willing to serve as Auxiliary Sheriff's Deputies or as members of a future COUNTY NAME Militia, or in support thereof, should circumstances require, to present their persons for review at LOCATION on DATE, subject to the following conditions:

- a. Dressed in khaki trousers, seasonal clothing, and boots or shoes suitable for maneuver training and operating in the field;
- b. Openly and safely wearing a holstered handgun, preferably semi-automatic, and capable of accepting a magazine of 10 or more rounds capacity of 9x19mm or .45 ACP; and/or
- c. Openly and safely carrying, by means of a sling, an unloaded semi-automatic rifle, in good working order, preferably a variant of the AR-15 platform, that is capable of firing the .223 Remington/5.56x45mm NATO standard cartridge; and carrying at least three (3) loaded magazines of 20 or 30 rounds capacity, within magazine carriers worn and secured on the person, to facilitate as much as possible the interoperability of equipment.
- d. Willing to provide contact information to the COUNTY NAME BOS OR SHERIFF'S OFFICE, for the purpose of incorporation into the COUNTY NAME emergency management plan; for background checks, for assessment of skillsets, and for addition to a phone tree, text messaging or other communication system, in the event of an emergency, including but not limited to a terrorist attack or other invasion upon the rights of their fellow citizens in COUNTY NAME.
 - i. The volunteer information collected shall be organized geographically based on regions within the County.
 - ii. Such information shall be privileged from disclosure under open records laws as personnel records (§ 2.2-3705.1 (1) of the Code of Virginia); personal contact info from a person desiring contact from a public body by email or cell phone (§ 2.2-3705.1 (10)); and as plans and information to prevent or respond to



terrorist activity, the disclosure of which would jeopardize the safety of any person (§ 2.2-3705.2 (4)), per written invocation requirement.

iii. No information or registration shall be required of any prospective Auxiliary Sheriff's Deputies or of any prospective COUNTY NAME MILITIA regarding their personally-owned firearms and accoutrements.

e. COUNTY NAME BOS/SHERIFF WILL ONLY CONSIDER FOR BACKGROUND CHECKS, AND ADDITION TO AN EMERGENCY COMMUNICATION SYSTEM LIST THOSE CITIZEN VOLUNTEERS WHO STRICTLY COMPLY WITH THE DETAILS OF THIS REQUEST, including the following:

i. Volunteers desiring consideration by COUNTY NAME for purposes of future notification and communication shall not be under current firearms disabilities or restraining orders; shall not be a current felon; shall present a neat and orderly appearance and bearing; shall wear clothing containing no political messages; shall carry no signs; and shall carry, wear or display only the flag of the United States, the flag of the Commonwealth of Virginia, or the flag of COUNTY NAME.

ii. A volunteer described in Section 1 who does not possess a preferred handgun or rifle described in this section may bring a holstered handgun, an unloaded rifle or shotgun with sling, or no weapon at all, and may appear at the voluntary muster attired as described above in Section 1.a. to express his or her desire for further notification and communication. Handguns shall be safely carried only in a holster. Long guns shall be unloaded and carried only via a sling worn on the person.

iii. Volunteers from neighboring counties or other communities within the Commonwealth of Virginia may present themselves as described in Section 1, and provide contact information, with their status as non-residents of COUNTY NAME noted.

2. Within 90 days, the COUNTY NAME BOS COMMITTEE/SHERIFF'S OFFICE intends to present findings and a plan, which may be drafted by or in conjunction with volunteers, to the Board of Supervisors for consideration. The findings and/or plan may include a) a draft ordinance for standing up an organized COUNTY NAME Militia, including provision for election of officers and non-commissioned officers, based on training and experience; b) scheduling of future voluntary musters and training of the Unorganized Militia under County auspices; and c) integration of volunteer contact information into the County's Emergency Management Plan and EMS system, to enable members of the Unorganized Militia who reside in COUNTY NAME to be notified in the event of a terrorist attack or emergency, including but not limited to any attempt to confiscate commonly-owned semi-automatic rifles, pistols and/or shotguns lawfully owned prior to January 13, 2020; to unlawfully arrest owners of such arms, after January 13, 2020; or to unlawfully prevent the previously legal sale or transfer of such arms, after January 13, 2020, in violation of the Second Amendment



to the United States Constitution and Article 1 Section 13 of the Virginia Constitution.

3. In the event that the COUNTY NAME Militia is raised, its purpose shall be to fulfill the intent of the Founders of the Commonwealth of Virginia and of the United States, that the People of the County might provide for their safety and security, and protect all of the rights set forth under the Constitutions of the United States and this Commonwealth. In time of war, the Militia shall serve as a local force dedicated to protecting their families and community from foreign enemies. In time of natural disaster, the Militia shall serve the citizens of this County, particularly the elderly, the infirm, the orphan and the widow. In time of domestic tyranny, the Militia shall serve as a force of last resort, subject to the civil power of the County, to preserve the natural rights of the People, including, but not limited to, the rights of life and liberty; the freedom of speech; the free exercise of religion; the right to trial by jury; the right to private property; the right to defense of self and defense of the community; and the Rule of Law.



February 12, 2020

A Special Meeting of the Board of Directors of the Lake Shenandoah Stormwater Control Authority was held at 4:17 p.m. on Wednesday, February 12, 2020, at the Rockingham County Administration Center, Harrisonburg, Virginia.

Directors Present:

- BRENT V. TRUMBO, Election District #1
- SALLIE WOLFE-GARRISON, Election District #2
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

- STEPHEN G. KING, Chief Administrative Officer and Secretary
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- PHILIP S. RHODES, Director of Public Works
- LISA K. PERRY, Director of Environmental Services
- JESSICA G. KILBY, Deputy Clerk to Board of Supervisors

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CALL TO ORDER.

Chairman Kyger called the meeting to order at 4:17 p.m.

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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; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the Organizational Meeting held on January 8, 2020.

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REPORT – ENGINEERING SERVICES.

Director of Environmental Services, Lisa K. Perry, reported that proposals for Engineering Services for the Authority were reviewed by staff. Following interviews with the top engineering firms, Mrs. Perry stated it is the recommendation of staff to award the proposal to Timmons Group at a cost of \$51,970.00. She said the scope of the Timmons proposal includes three specific elements, 1) modeling hydrologic and hydraulic characteristics of the watershed, 2) evaluating mitigation strategies for cost/benefit ratios, and 3) a meeting with County staff to discuss all findings. The proposal does not include construction drawings due to difficulty in estimating the cost of construction drawings prior to a specific mitigation strategy being selected.

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; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Authority authorized staff to accept the proposal from Timmons Group for Engineering Services at a cost of \$51,970.00

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FEE STRUCTURE.

Mrs. Perry reviewed the methodology of calculating stormwater fees. She reported that after numerous discussions and considerable research, it is the recommendation of staff to use the “Rooftop Method”, a method which utilizes the total square footage of a building footprint, and then a cost per square foot is applied to that total. A preliminary rate of \$0.10 per square foot was recommended.

Mrs. Perry indicated setting a preliminary rate will allow staff the opportunity to generate estimates to be sent to each property owner within the boundaries of the Authority. The mailing will provide each property owner with the estimated fee for their property, as well as the basis of the calculation. A public hearing could then be scheduled and advertised in order to present the information and receive public comment.

Supervisor Chandler agreed that any information that can be provided to property owners within the boundaries prior to the public hearing will be helpful. County Administrator King echoed that this is a preliminary rate. However, he said once the rate is set, it is the Authority’s intent for the rate to remain the same for some time.

Mrs. Perry explained if the Authority adopts a preliminary rate, a public hearing would be advertised, along with advertisement of the preliminary fee structure.

In response to a question from Supervisor Trumbo, Mrs. Perry explained how staff arrived at the \$0.10 per square foot figure. Staff reviewed different categories associated with expenses such as: engineering costs, construction drawings, actual construction of the mitigation strategies, and on-going maintenance costs. She indicated staff were able to use preliminary estimates from the first Timmons study to help estimate costs. Based on expense estimates, staff then reviewed the total square footage of all rooftops within the Authority. She said \$0.10 fulfills the estimated target amount.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to calculate stormwater fees using the “Rooftop Method” and set the preliminary rate of \$0.10 per square foot.

Mrs. Perry further explained that a decision must be made regarding whether to exempt agricultural structures from the stormwater fee before preliminary estimates are mailed to property owners. She noted that there are only 11 buildings (on 8 properties) within the Authority boundary that are classified as agricultural structures. The total number of structures in the Authority is well over 2000. Mrs. Perry explained that agricultural buildings, by their nature, tend to be located in a field or farm area, and not directly connected into the flow path of an urban stormwater drainage system. They also tend to be large, which will generate a high fee per structure. Mrs. Perry said the Authority may want to consider exempting agricultural structures.

Assistant County Administrator Armstrong pointed out that the practice of exempting agricultural structures or reducing fees is very common in the state. He said this is not something new, as the Board has greatly reduced fees for agricultural buildings in the past.

After discussion, Supervisor Chandler suggested making a determination on the agricultural structures at a later time.

Mrs. Perry noted the public hearing will be advertised for March 25, 2020, at 7 p.m.

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ADJOURN.

Chairman Kyger adjourned the meeting at 4:33 p.m.

Chairman



Finance Department Staff Report

February 26, 2020

FY20-21 Budget Calendar - A Finance Committee meeting was held February 3rd. A Budget Work Session is planned for February 26th in the Community Room in the Administration Office.

Capital Improvement Process - The Capital Improvements Committee met and has prioritized all 48 projects requested during the process. The recommendation was presented to the Planning Commission on Tuesday, February 4th. A public hearing is planned for March 3rd.

Procurement:

Action:

Rockingham Park at the Crossroads Safety Netting - The County is requesting formal competitive sealed bids to establish a contract for the purchase of materials and labor to install safety netting on the 4 baseball/softball fields at Rockingham Park at the Crossroads. We received a total of 6 bids. Forenet Inc. was the low bidder for a total of \$47,525.00. We ask for you to award the contract to Forenet Inc.

Rockingham Park at the Crossroads Pavilion- Staff would like to issue a design-build RFP for a pavilion at the park. Funds are already included in the current year's budget for the project. We would like to request permission to use the design-build process for the RFP. Utilizing the design-build process will reduce the

delivery schedule and cost for the project. This will hopefully allow the County to have the pavilion available for use by County residents this summer.

No Action:

Jail Roof Replacement - The County is requesting formal competitive sealed bids to establish a contract for the replacement of a portion of the Harrisonburg/Rockingham County Jail roof system located at 25 South Liberty Street in Harrisonburg. Bids are due by Friday March 6, 2020 at 2:00 PM.

Solar Power Purchase Agreement Services - The County is seeking proposals from firms authorized to do business in the state of Virginia, for Solar Power Purchase Agreement Services. The services will include financial design, building-ownership-operations-management and engineering-procurement-construction for solar photovoltaic systems on two Rockingham County facilities. These facilities include the Rockingham County Administration Center and the Harrisonburg/Rockingham Social Services Building. Proposals are due Friday, March 13, 2020 at 2:00 PM.

Rockingham County
FY20-21 Budget Calendar

December 4 – Issue budget memo and forms

January 10 – Department Budget Requests due to Finance

January 13 – Revenue review with Stephen, Casey and Trish

January 13 – January 24 – Budget meetings with Department Heads

February 3 – Finance Committee Review

February 4 – Present Capital Improvement Plan to Planning Commission

February 26 – Board Work Session at 3:30pm

March 3 – Planning Commission Public Hearing on Capital Improvement Plan

March 6 – Advertise Public Hearing on tax rates (30-day notice required if increasing tax rate)

March 11 – Present Capital Improvement Plan to Board of Supervisors

April 8 - Public Hearing on FY 2020-21 Budget and Capital Improvement Plan at Rockingham County Administration Board Room

April 22 – Adoption of Budget, Capital Improvement Plan and Tax Rates

May 13 – Appropriate Budget

1. Personnel vacancies

Public Works: No vacancies

Utilities: 1 vacancy (Utility Worker)

Landfill: 2 vacancies (2 Heavy Equipment Operators)

Refuse & Recycling: No vacancies

Facilities Maintenance: 1 vacancy (Maintenance Technician - Jail)

2. Utilities

MILA Development

Mr. Dave Milstead has submitted a request to the City of Harrisonburg for connections to City water and sewer services for his property located in Rockingham County. The property is located west of the City between Switchboard Road and Westfield Subdivision, tax map #108-(A)- L29. The parcel is approximately 88 acres and the applicant is proposing 285 lots. Rockingham County has no water or sewer facilities available to the property. The City agreed to provide water and sewer for the project in 2004 and the County rezoned the property in 2006.

Update: As discussed at the February 12, 2020 Board Meeting, authorization was given to staff to sign and return the City of Harrisonburg water and sewer application for services for the development along with a request that the individuals lots will be director water and sewer customers of the City. The application has been signed by the Director of Public Works and Director of Community Development and submitted back to the City of Harrisonburg for review.

City of Harrisonburg

The City of Harrisonburg has awarded a contract to Garney Construction Company for installation of a raw water line in the Pleasant Valley area of Rockingham County. This is the first phase of a larger project that will install a raw water line from the Harrisonburg City limits to the South Fork of the Shenandoah River in McGaheysville. Staff is working with the City at the intersection of Autumn Lane and Osceola Springs Road to reroute the County's existing sewer force main which is in conflict with the City waterline alignment.

Update: The sewer force main rerouting is complete.

Harrisonburg Rockingham Regional Sewer Authority

Authority capacity – 22 million gallons per day

January average flow – 12.50 million gallons per day

Rockingham County capacity – 4.6 million gallons per day

November average flow – 2.62 million gallons per day

3. Landfill

Landfill Phase 5-cell A

Fine grading on the liner subgrade continues in preparation for the stone cushion layer installation. The liner is scheduled to begin installation on 9/18/17. Completion of the liner installation should then be finished before cold weather. The stone work, leachate piping, and final grading/seeding will progress from that point. The completion date per the contract is 8/1/18.

Update: The project is complete and the Department of Environmental Quality issued the Certificate to Operate on November 22, 2019.

The new cell is in operation and the initial cushion layer of waste is being placed as suitable material is received.

4. Facilities

Southern Air, Inc. was awarded the contract for the Jail HVAC upgrade at the January 24, 2018 Board meeting. The contract has been signed and the project was started on 4/19/18. Both chillers have been replaced and are in service. Controls and other site work will proceed from this point. Replacement of the 4 air handlers located on the mezzanine is 100% complete. First floor work on all phases is 100% complete.

Update: Second floor work is 95% complete. Third floor work is 80% complete. Boiler replacement is complete. Replacement of the 6 rooftop air handlers is complete. Baker Roofing is 100% complete on the lower (mechanical) area of the Jail roof.

The plans for the renovations to the first floor of the District Courts Building are currently being finalized by Moseley Architects which includes phases B-F. Phase A was the renovation to the second floor.

Update: Phase 3B is 60% complete and phase 3C is 35% complete.

In the Administration Building, 3 of the 6 above ceiling air handler units have been replaced. The remaining 3 units as well as 3 roof-top units will be replaced in the next few months.

Respectfully Submitted,
Philip S. Rhodes
Director of Public Works

BOARD ACTION REQUESTED

Rezoning Public Hearing Waiver Request

HABU Development, LLC. seeks to replace an existing proffered condition governing the phasing of construction within South Peak Subdivision. The existing proffers currently limit the developer to no more than 30 *building permits* in any calendar year, and the request would be revised to state, “No more than 30 *lots will be recorded* in any one calendar year.” The project is located on 21.76 acres to the northwest of McGaheysville Road (Rt. 996), approximately 0.3 mile northeast of Three Leagues Road (Rt. 1090) and zoned R-2C (Medium Density Residential with Conditions). All other proffered conditions, the zoning district, layout, and total number of units would all remain unaltered.

Virginia Code Section 15.2-2302.B addresses the amending of proffered conditions stating that “where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing...” Since the request would only modify the phasing of the lots recorded in a calendar year and not change the total lots approved, the applicant requests the public hearings before the Planning Commission and Board of Supervisors be waived by the Board.

PROJECTS AND REPORTS

MOUNT CRAWFORD PARK AND RIDE SMALL AREA STUDY (Rhonda Cooper & Bradford Dyjak)

The County’s Small Area Study for 2020, funded entirely by the Harrisonburg-Rockingham Metropolitan Planning Organization (MPO), has generated a concept plan and cost estimate for the expansion of the Mount Crawford Park & Ride, located on VA 257 at I-81 Exit 240. This plan and cost estimate is expected to enhance competitiveness of a pending Smart Scale application for the 2020 submission window. According to the MPO’s latest assessment, parking demand at the Mount Crawford Park and Ride is operating at over 100% of lot capacity, as of a September 2019 survey. The lot also has limited lighting, no ADA access, no bus shelter, or dedicated bus zone.

ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Bradford Dyjak)

The next RBAC meeting is tentatively scheduled for Thursday, March 19. The Committee met January 23 to discuss how to address goals in the 2020 Annual Work Plan and also reviewed recommended bicycle and pedestrian projects within the Stone Spring Urban Development Area Plan.

PROJECTS AND REPORTS, continued

ROCKINGHAM COUNTY ROAD PROJECTS

VA 42 Bicycle and Buggy Lane Extension (Lisa Koerner Perry)

- The County received Authorization to Award this project from VDOT on 12/20/19
- This Board awarded the contract 1/8/20 to A&J Paving
- A Pre-Construction Meeting with the contractor was held 1/23/20
- The project is anticipated to start mid- to late March

REVENUE SHARING AND TRANSPORTATION ALTERNATIVE PROJECT APPLICATIONS (Bradford Dyjak)

Staff awaits the Commonwealth Transportation Board's decision on funding awards in May 2020.

Project # & Name	Location	Project Scope	Status	Cost
#5786 VA 253/VA 276 Turn Lanes	Intersection of VA 253 (Port Republic Rd.) & VA 276 (Cross Keys Rd.)	Install left turn lanes on northbound and southbound VA 276 (Cross Keys Road) at intersection with VA 253.	Revenue Sharing Application submitted 9/25/19	\$1.5m
#5790 Lake Shenandoah Watershed Culvert Improvements	2 upstream crossings at Baybrook Drive & Berryfield Drive; Shen Lake Drive (Route 689) crossing	The project would address storm sewer improvements by upgrading two upstream culverts within existing VDOT rights-of-way and reconstructing a road crossing at Shen Lake Drive.	Revenue Sharing Application submitted 9/30/19	\$1.61m
#5887 Garbers Church Road Bike & Buggy Lanes	Garbers Church Road (Route 910) from VA 42 to Erickson Avenue,	<ul style="list-style-type: none">• Design and construct paved, 8-foot wide lanes on both sides of road approximately 0.6 miles in length.• The project is proposed to be completed in two phases – Phase 1: preliminary engineering, right-of-way acquisition (\$350k) and Phase 2: construction (\$1.455m)	Transportation Alternatives Set- Aside Grant (TAP) Application submitted 9/30/19.	\$1.805m (Phase 1: \$350k)

LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY (Lisa Koerner Perry)

Rockingham County will contract with The Timmons Group to perform engineering services related to stormwater mitigation measures, to include: watershed modeling, alternatives analysis, construction drawings, and grant application assistance.

County staff will be sending letters to property owners in the Lake Shenandoah Stormwater Control Authority with estimated fees ahead of the public hearing scheduled for March 25th.

PLANNING COMMISSION ACTIONS

At the Planning Commission's February 4, the 2019 Annual Report was presented and no public hearings were held. An ordinance amendment status report is presented later in this report.

Item	Description	Comments/ Recommendations
REZ18-273	Partners Development, Inc. , 859 Cottontail Trail, Mt. Crawford, VA 22841, is requesting an amendment to the existing approved proffers on a 25.704-acre parcel located on the north and west sides of White Oak Drive approximately 700' west of Walnut Creek Drive. The parcel is zoned R2C (Medium Density Residential with Conditions) and is identified in the Comprehensive Plan as Community Residential in the Urban Growth Area. Tax Map #107-(A)-L166, Election District #2.	Motion to recommend approval failed 2-3 on 1/2/19; Pending before Board; applicant has been granted postponement of 2/13/19 hearing.

COUNTY-INITIATED ORDINANCES

Amendment (OA#)	Chapter/ Section	Reason & Scope	Status
1. (OA18-343) Private Streets- R-3 Rowhouses & Apartments	17-700, 701	Private streets for rowhouses and apartments in R-3 district; POA ownership changes; Review of private streets design standards ongoing.	Board Adopted OA18-343 on 1/23/19; Further study of private street standards ongoing.
2. Review of A-1 & A-2 District Uses	17-302 & 17-303; Ch. 16	Evaluate distinction of uses between the two districts and ensure consistency; consider consolidation into a single agricultural zoning district.	Board authorized study 8/23/17; Staff study is ongoing.
3. Review of PMR District Requirements	17-409	The study will evaluate appropriate uses and regulations for maximum development flexibility.	Board authorized study 12/12/18; Staff has performed a comparative analysis.
4. Review of Signage Code	17-707	Staff will review Planned District sign submission requirements, line-of-sight standards, review code organization.	Board authorized study 12/12/18
5. Wireless Telecommunications Facilities	Ch. 17, Article VI	Ensure consistency with recent updates to state code limiting the scope of review for local governments of such facilities.	Board authorized study 7/17/19
6. (OA19-260 & 261) Inoperable Vehicles	11-31 –40 & 17-201	Revise "automobile graveyard" definition; review screening and vehicle removal provisions.	Board authorized study 8/14/19; Scheduling
7. (OA20-008) PMF District: Setbacks for Apartment Buildings	17-403 & 17-806.02	Eliminates setbacks for apartment structures and required 10' between buildings in Planned Multifamily District.	Scheduled before Planning Commission 3/3/20

PRIORITY PROJECTS UNDERWAY BY STAFF

Projects	Lead Person	Status	Target Date
Stone Spring Urban Development Area (UDA) Plan	Rhonda & Bradford	Plan adopted by the Board. Implementation of plan recommendations to commence.	Board Adopted Plan as part of Comprehensive Plan 1/22/20
Census 2020 Complete Count Committee	Bradford & Zachary	Met with County high school government teachers, City and JMU representatives to coordinate outreach.	Ongoing through April 2020
Capital Improvement Program (CIP) Update FY 2021-25	Rhonda & Bradford	CIP Advisory Subcommittee met 11/12 to prioritize projects. Recommendations to PC 2/4/20.	PC Public hearing 3/3/20
Ongoing Review/Tasks	Lead Person	Status	
Deed Review	Diane	17 deeds under review as of 2/13/20: 8 pending review, 9 awaiting revision.	
Violations	Kelly	51 active complaints, 25 cases pending legal action as of 2/18/20	
Site Plans & Subdivisions	Bradford & Patrick	10 site plans and 4 subdivisions under review as of 2/18/20	
Subdivision Ordinance Variances	Diana	0 requests under review, as of 2/19/20	
Zoning Variances	Diana	0 requests under review, as of 2/19/20	
Zoning Appeals	Diana	0 requests under review, as of 2/19/20	
Home Occupation Permits	Diana	0 permit requests under review, as of 2/19/20	
Home Business Permits	Diana	0 permit requests under review, as of 2/19/20	
Special Use Permits	Diana	2 permit requests under review, as of 2/19/20	
Special Entertainment Permits	Diana	1 permit request under review, as of 2/19/20	
Rezoning	Bradford	8 rezoning requests under review, as of 2/18/20	
Comprehensive Plan Amendments	Bradford	0 requests under review, as of 2/18/20	
Permits and Fees Processed	Joe	775 total transactions for month of January 2020	
Building Inspections	Joe	1,571 inspections conducted during January 2020 (averaged 78.55 inspections per day)	
Building Plans	Joe	39 Plans under review, as of January 31, 2020	
Environmental (E&S/Stormwater) Plan Review	Lisa	15 plans under review, 33 approved and awaiting permit issuance, as of 1/31/2020	
Environmental Inspections	Lisa	602 inspections conducted in January 2020	
Addressing Structures	Kendrick	27 new structures addressed as of 2/18/2020	
Naming of New Roads	Kendrick	0 new roads named as of 2/18/2020	

UPCOMING PUBLIC HEARINGS

February 26, 2020, Board of Supervisors, at 7:00 p.m.

Ordinance Amendments

None.

Rezoning- Requiring a Public Hearing

None.

Special Use Permits

None.

REQUESTS TABLED BY BOARD OF SUPERVISORS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2020	1/8/20	19-286	Soil Health Technologies,	Composting site (like use to refuse and recycling center)	2
REZONING REQUEST(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
-	-	-	-	N/A	-
ORDINANCE AMENDMENTS					
Year Tabled	Date Tabled	File	Applicant	Request	
2020	1/8/20	19-267	None	Section 17-201 & 17-607 using semi-trailers for storage	

STAFF DIRECTORY

Name	Job Title	Office Number	Mobile Number
ADMINISTRATION			
Rhonda Cooper	Director	564-3033	271-5061
PERMIT INTAKE & PROCESSING			
Lisa McDonald	Permit Specialist I	564-3038	N/A
(Vacant)	Permit Specialist I	564-3040	N/A
Kayla Yankey	Permit Specialist II	564-6024	N/A
BUILDING CODE ENFORCEMENT			
Joe Shifflett	Building Official	564-3041	578-1558
(Vacant)	Plan Reviewer	564-3046	578-1120
JN Riddel	Building Inspector	N/A	578-1121
Rick Davis	Building Inspector	N/A	830-8018
Danny Mason	Building Inspector	N/A	578-3515
Ben Terry	Building Inspector	N/A	578-1123
Josh Haugh	Building Inspector	N/A	607-9535
PLANNING, ZONING, DEVELOPMENT, & GEOGRAPHIC INFORMATION SYSTEMS			
Bradford Dyjak	Director of Planning	564-1513	578-2659
Diana Stultz	Zoning Administrator & Subdivision Agent	564-3032	830-8017
Diane Lepkowski	Deputy Zoning Administrator & Deputy Subdivision Agent	564-3037	578-1126
Kelly Getz	Deputy Zoning Administrator & Code Compliance Officer	564-6063	810-5024
Mark Rathke	GIS Specialist	564-5076	N/A
Kendrick Smith	GIS Technician	564-3029	830-5811
Patrick Wilcox	Senior Planner	564-5074	271-2952
Zachary Popovich	Temporary Part-time Position	574-3790	N/A
ENVIRONMENTAL SERVICES			
Lisa Koerner Perry	Director of Environmental Services	564-6095	271-8760
Adam Hancock	Stormwater Management Program Administrator	564-1529	271-6523
Drew Thacker	Environmental Inspector	564-3047	607-3665
Justin Turner	Environmental Inspector	564-3038	560-5589