



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

March 25, 2020

6:00 P.M. CALL TO ORDER – CHAIRMAN WILLIAM B. KYGER, JR.
INVOCATION – SUPERVISOR SALLIE WOLFE-GARRISON
PLEDGE OF ALLEGIANCE – COUNTY ATTORNEY THOMAS H. MILLER, JR.

1. Approval of Minutes – Regular Meeting of March 11, 2020
2. Intent to Adopt – Resolution Declaring a Local Emergency and Disaster Exists in Rockingham County, Virginia
3. Intent to Adopt Emergency Ordinance on Continuity of Government
4. Consideration of Resolution Requesting Delay of 2020 Census
5. 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
Action Item: Declaration of Surplus Property
 - e. Director of Public Works – Philip S. Rhodes
Action Item: Approval of Jail Roof Bid
 - f. Director of Community Development
6. 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
7. Other/Unfinished Business
8. Closed Meeting – Pursuant to Section 2.2-3711.A (3), Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and (7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body

*** ADJOURN ***

March 11, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, March 11, 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
- PATRICIA D. DAVIDSON, Director of Finance
- 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
- PHILIP S. RHODES, Director of Public Works
- MICHAEL L. BOWEN, Deputy Director of Technology
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Deputy Zoning Administrator and Code Compliance Officer
- S. FRANK SOTTACETI, Criminal Justice Planner
- TAMELA S. GRAY, 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 3:02 p.m.

Supervisor Wolfe-Garrison provided the Invocation and County Attorney Thomas H. Miller, Jr. led the Pledge of Allegiance.

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INTRODUCTION OF STUDENTS.

Students from Eastern Mennonite High School introduced themselves to the Board.

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APPROVAL OF MINUTES.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a vote of 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 February 26, 2020.

Administrator King informed the Board of an error in the January 22, 2020 minutes under Appointments. The minutes indicated Supervisor Trumbo was appointed as the County’s Chief Local Elected Official (CLEO) Consortium Board member on the Shenandoah Valley Workforce Investment Board, but the actual action was to appoint Supervisor Wolfe-Garrison as the Board member on the Shenandoah Valley Workforce Investment Board. Administrator King asked that the Board take action to appoint Supervisor Wolfe-Garrison as the County’s Chief Local Elected Official (CLEO) Consortium Board member on the Shenandoah Valley Workforce Investment Board, effective January 22, 2020.

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 appointed Supervisor Wolfe-Garrison as the County’s Chief Local Elected Official (CLEO) Consortium Board member on the Shenandoah Valley Workforce Investment Board, effective 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:

- The Bicycle/Buggy lane extension work along John Wayland Highway (Route 42) from Dayton to just before the Wal-Mart will begin in April. A & J Development & Excavation, Inc. should take four to five weeks to work on the southbound lane, then work will be performed on the northbound lane.
- There will be spot closures for pipe to be installed for the realignment of the I-81, Exit 245 northbound off ramp to intersect with Port Republic Road (Route 253) directly across from the Forest Hill Road intersection.
- Mr. Komara reminded the Board of the public hearing for the bridge replacement project on Smithland Road (Route 720) scheduled for Thursday, March 26, 2020, from 4-6 p.m., at the VDOT Harrisonburg Residency Office.
- Rural rustic road improvements include cutting trees, grinding stumps, installing pipes, moving fences and stockpiling stone.
- Mr. Komara noted letters were sent to residents on Williamsburg Road (Route 782) and Swope Road (Route 736), where VDOT placed stakes. VDOT staff is starting to meet with landowners about next year’s road project.
- Maintenance items include cutting brush, building shoulders, spot grading, adding stone on gravel roads, working on rock outcroppings, and using safety funds to improve the intersection of Rushville Road (Route 736) and Limestone Lane (Route 737). VDOT also cut down approximately 50 ash trees along Brocks Gap Road (Route 259) from Lairs Run Road (Route 921) to Bergton Road (Route 820).

Mr. Komara noted that Administrator King received a letter about special use hauling vehicles for poultry. A Federal mandate has been placed on VDOT structures because trucking industries continue to add axles to trucks so they can haul more weight. Many companies are not spreading out the weight so the weight is focused toward the center of the truck, resulting in a lot of weight remaining on the bridge between the spans. This causes structural concerns for VDOT staff, and several bridges have been posted with weight limits. There will be weight limits posted on three bridges on Brocks Gap Road (Route 259). During a recent meeting Mr. Komara attended, live haul and feed haulers indicated they have not noticed postings on bridges, but they are obtaining overload permits to haul five tons over the limit on every load. Since VDOT made an agreement with the Federal Highway Administration to post the bridges by September 2020, VDOT

staff are preparing maps to help truck drivers navigate to their destination without placing too much weight on posted bridges.

In response to a question from Supervisor Wolfe-Garrison, Mr. Komara indicated the State Police are the enforcement agents for weights and measurements. He explained that there are weight limits on bridges based on the number of axles on the truck as the weight is spread out over those axles. However, newer trucks have additional axles in the belly of the truck that increase the weight. Since the spread is not different, the weight is more concentrated in the middle of the structure.

Administrator King noted that additional axles help with pavement issues, but not when the entire weight of the truck is on a bridge.

In response to a question from Supervisor Wolfe-Garrison, Mr. Komara confirmed this is a routing issue for companies because the only way to get from one location to another may be by traveling across bridges that are not built to hold the weight of the truck. Mr. Komara stated VDOT is working with trucking companies to locate alternate routes. Approximately five bridges on secondary routes and five on primary routes in Rockingham County are not built to carry the of weight trucks crossing them, Mr. Komara said.

Supervisor Wolfe-Garrison reminded Mr. Komara to clear debris from the bicycle and buggy lanes on Route 42 north and south of the City limits. She also reported that a large pothole on Mt. Clinton Pike (Route 726) near Gemeinschaft Home needs to be repaired.

Supervisor Wolfe-Garrison indicated she received a phone call about a guardrail that was down on Rorrer Circle (Route 1144) near Rawley Pike (Route 33 West), but the guardrail has since been replaced. She wondered if that was a VDOT project. Mr. Komara was unaware of it, but said he would investigate.

Supervisor Trumbo said he and Mr. Komara met with Broadway Town Manager Kyle O'Brien regarding a base failure on East Lee Street (Route 259) in the Broadway town limits, which Mr. Komara believes may be a water issue. VDOT will try to determine what is transpiring.

Supervisor Chandler informed Mr. Komara that in Port Republic, a sign is down that reads Point Road and Main Street (Route 605). There is also a reflector laying against a tree on Water Street (Route 1605) at the other end of the Village.

Chairman Kyger asked about the process to move postal boxes from one side of Airport Road (Route 727) to the opposite side of the road where houses are located, to eliminate a safety issue. Mr. Komara said he will initiate that conversation.

Chairman Kyger talked with a gentleman who indicated the U.S. Forest Service has no problem posting Tilghman Road (Route 902) with a 25-mile per hour speed limit since it is a gravel road. Chairman Kyger asked Mr. Komara and Sheriff Hutcheson if the County can post a speed limit on a federal road and whether a speeding violation on that road can be enforced in traffic court. Sheriff Hutcheson responded that he did not think that was possible. Supervisor Kyger suggested discussing that possibility with the U.S. Forest Service Ranger in Bridgewater and obtaining a signed agreement, if the Forest Service is in agreement with the County posting and enforcing a speed limit.

Chairman Kyger indicated ailanthus altissima or trees of heaven are growing back, and spotted lanternfly have been seen in Shenandoah County. He asked that VDOT cut down as many trees of heaven as possible when they are cleaning brush. The spotted lanternfly affects fruit-bearing trees and grapevines, Chairman Kyger said.

U. S. CENSUS.

Chairman Kyger stated April 1, 2020 is an important day (Census Complete Count Day). By April 1st, County citizens should receive a card from the U.S. Census Bureau with an identification number assigned to their address. He noted every person needs to be counted and encouraged citizens to complete the Census on-line. If they do not have access to a computer or internet, they can either call the Census Bureau hotline, or visit a local library or high school to access a computer and complete the 12 questions, which should take 10 to 12 minutes. He noted every person needs to be counted as \$20,000 in federally-funded programs will be awarded to the County over a 10-year period for each person counted in a household. Those funds will help pay for schools, fire and rescue services, police protection, roads, libraries and many other services needed.

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INTENT TO ADOPT – ARTICLE XI OF CHAPTER 11, “INOPERABLE VEHICLES” OF THE CODE OF ORDINANCES OF ROCKINGHAM COUNTY.

Deputy Zoning Administrator Kelly Getz pointed out there have been misunderstandings about the proposed Inoperable Vehicles Ordinance, because body shops, car shops and auto dealers are exempt from the ordinance. Most complaints received in the zoning office are regarding inoperable vehicles. He noted that the zoning ordinance defines three or more inoperable vehicles as an automobile graveyard. Mr. Getz explained that when there is a violation of the zoning code, a Notice of Violation is sent to the citizen or citizens involved. This results in the County Attorney’s Office filing a Motion with the Circuit Court, requiring court hearings. Mr. Getz believes the proposed ordinance would be a more efficient way of dealing with inoperable vehicles. Many localities in Virginia have adopted similar ordinances, and Albemarle and Augusta Counties have had a similar ordinance in effect for several years, Mr. Getz said.

Mr. Getz indicated inoperable vehicle enforcement is complaint driven. When a complaint is made, staff works with the person in violation by determining if the individual is currently working on the vehicle, when the work will be finished, and if the vehicle can be moved or covered in the meantime.

Mr. Miller indicated he was informed that there was a statute passed in the 1970s and used in the 1980s regarding inoperable vehicles, but neither he nor the person who informed him of the statute has been able to locate the citation. He said Title 15.2 refers to inoperable vehicles and delegated authority. If a previous statute is located which is contradictory to Title 15.2, Mr. Miller said he would review it and determine if a change should be made to the ordinance.

Chairman Kyger informed those in attendance that the inoperable vehicle ordinance was not scheduled as a public hearing. Due to the nature of telephone calls Board members received, he thought a public hearing should be held to provide an opportunity for citizens to address the Board.

Chairman Kyger asked for the Board’s consensus to schedule a public hearing for the Inoperable Vehicles Ordinance on March 25, 2020 with a limit set on the time allotted to discuss the ordinance.

Mr. Miller encouraged citizens to read the ordinance on the County website because there have been rumors about the text in the ordinance that are not true. He said a citizen who was upset read the ordinance and found he was allowed to have five inoperable vehicles on his property (one per acre of land).

Since numerous public hearings were previously scheduled on March 25, 2020, including the Lake Shenandoah Stormwater Control Authority Preliminary Rates, Fees, and Charges Public Hearing, Chairman Kyger asked that the citizens in attendance get together to discuss the ordinance and bring concise, organized concerns and points of view before the Board on March 25, 2020. The purpose of the ordinance is to develop a reasonable measure for County citizens who have an auto graveyard on their property,

without causing issues for other citizens who own antique automobiles that are properly tagged and insured, Chairman Kyger said.

Chairman Kyger stated the Inoperable Vehicles Ordinance Public Hearing will be heard after the other public hearings already scheduled on March 25, 2020, at 7:00 p.m.

In response to a comment from a citizen in the audience that many people do not read the newspaper as they once did, it was noted that the public hearing will be posted on the County’s website and the TV-3 news reporter, who was in attendance, could help spread the word.

Supervisor Chandler recommended that suggestions regarding the ordinance be provided to Administrator King, County Attorney Miller, Mr. Getz or Board members prior to the March 25, 2020 meeting.

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RECESS.

At 3:49 p.m., Chairman Kyger recessed the meeting to allow those in attendance for the Inoperable Vehicles Ordinance to leave the room.

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RECONVENE.

At 3:54 p.m., Chairman Kyger reconvened the meeting.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King’s staff report dated March 6, 2020.

Administrator King indicated Deputy Mark Papotnik retired on February 1, 2020, after 25 years of service with the Rockingham County Sheriff’s Office and Jail. Administrator King requested that the Board declare Deputy Papotnik’s service weapon surplus so it may be awarded to him as a retirement gift, in accordance with Virginia Code Section §59.1-148.3.

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; in accordance with Virginia Code Section 59.1-148.3, the Board declared as surplus:

Glock Model 22, Serial #KYY478 – service weapon used by Deputy Papotnik

Deputy Papotnik was not in attendance.

Administrator King indicated the Commissioner of the Revenue received notice from the Commonwealth of Virginia that Branch Banking and Trust Company (BB&T) submitted revised Bank Franchise Tax returns to the Virginia Department of Taxation for years 2012 through 2014. The total refund due to BB&T from Rockingham County is \$13,157.

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 directed the Treasurer to refund \$13,157 to BB&T for the overpayment of Bank Franchise taxes from 2012 through 2014.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller did not provide a written report, but indicated the need for a closed meeting regarding the acquisition of public property.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Economic Development staff report dated March 11, 2020.

Mr. Armstrong informed the Board that Economic Development and Tourism Coordinator Joshua Gooden was currently touring the County with travel and leisure writers from around the country. The tour was in conjunction with the City of Harrisonburg, and the group was visiting numerous locations, including new amenities at Massanutten Resort, Cave Hill Brewery, the Sipe Center, Sandy Bottom Park golf and miniature golf courses, and venues in Augusta County. Mr. Armstrong hopes the tour will help marketing efforts in the County.

Chairman Kyger stated he likes the three 30-second promotional video clips, and Mr. Armstrong noted the video clips were 100 percent Mr. Gooden's work. Chairman Kyger hopes the Northern Virginia market will be targeted to encourage those residents to visit Rockingham County.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated March 11, 2020. Mrs. Davidson advised the public hearing for the 2020-2021 budget will be advertised March 25, 2020 and April 1, 2020. The public hearing is scheduled on April 8, 2020 at 6:00 p.m. at the County Administration Center. Chairman Kyger noted there will be no tax increase in the 2020-2021 budget.

Administrator King reported that the public hearing will include a proposed nominal increase in water and sewer rates for Smith Creek Water and Sewer Authority for the fiscal year commencing July 1, 2020. The proposed rate increases will align Smith Creek Water and Sewer rates with the rates of other County authorities and districts.

Mrs. Davidson noted the public hearing will also include the budget, capital improvements plan and proposed tax rates.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Mongold's staff report dated March 11, 2020.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated March 11, 2020.

Mr. Rhodes indicated water and sewer bills will include a note next month requesting that customers change their address from Harrisonburg to Rockingham. He noted that the Treasurer's Office will include that notation on tax bills mailed in the fall.

Chairman Kyger asked Mr. Rhodes to consider including a statement about completing the U.S. Census, if there is room on the bills.

In response to a question from Supervisor Wolfe-Garrison, Chairman Kyger stated the Census questionnaire information will be mailed to the address listed on the Census data base. He explained that each address will have an identification number that is specific to the United State Postal Service address for that residence, not the people living in the residence. Chairman Kyger indicated the Census will not affect taxes provided to the County for online purchases made by County citizens.

Mr. Dyjak noted that the Census staff worked with the County GIS department to conduct a boundary and annexation survey. They also checked the address of every existing structure, as well as structures to be completed by April 1, 2020.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated March 11, 2020. Ms. Cooper reported that the Planning Commission recommended approval of the Capital Improvements Program (CIP) on March 3, 2020, and recommended forwarding it to the Board of Supervisors as presented. The Advisory Subcommittee reviewed project requests during a series of meetings held with department heads and staff, Ms. Cooper said.

Supervisor Trumbo asked if the prevailing wage increase on all public projects passed. He stated the increase should impact the CIP because it is mandated on all County and City work. Chairman Kyger said the County needs to check on the bill Senator Saslaw presented.

Administrator King indicated the County's experience is that contractors typically meet the minimum prevailing wages; the challenge is preparing the documentation for the grant, which increases the price of the project. Supervisor Trumbo noted the County's rates are close to average, but the problem is that companies cannot use apprentices. Each worker has to be a tradesman, which will impact the average wage, Supervisor Trumbo said.

In response to comments from Supervisor Wolfe-Garrison and Administrator King, Supervisor Chandler said the wages would have to be matched, but all workers would not necessarily need to be a tradesman. Supervisor Trumbo confirmed that fact, but indicated the same output would not be produced so costs would increase.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated March 2020.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated March 2020.

Administrator King said Chief Holloway attended a meeting at James Madison University (JMU) earlier in the afternoon, and JMU made the decision to extend their spring break one week to March 23, 2020, due to the COVID-19 virus. Students will participate in online classes, where possible. All inside and outside events on the JMU campus (including community events utilizing JMU facilities) are cancelled through April 5, 2020.

Chairman Kyger stated that he and Mr. Dyjak are staying on top of the student Census count at the local colleges and universities.

Chairman Kyger expressed appreciation for the effort the County’s administrative staff and Fire and EMS staff are taking with the COVID-19 issue.

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PREVAILING WAGE INCREASE.

In reference to the prevailing wage increase discussion during the Community Development report, Mr. Miller located a provision regarding the prevailing wage that passed both houses, was signed by the President of the Senate and the Speaker of the House. The provision requires contractors and subcontractors under any public contractor of the state, with a state agency or with a locality that has adopted an ordinance requiring the payment of prevailing wages. Mr. Miller noted many statutes adopted during this General Assembly session have contained a local option provision, so the County can decide not to opt in.

Chairman Kyger indicated all state contracts will have to pay the prevailing wage rate, but localities can decide not to opt in.

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PARKS & RECREATION DIRECTOR’S STAFF REPORT.

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

Mr. Dean announced the four rotary clubs that assisted with the playground at Rockingham Park at the Crossroads, want to be involved with another park project. Mr. Dean suggested the playground pavilion, which will cost about \$125,000. The rotary is offering funds from the Strawberry Festival, which usually amounts to \$25,000 to \$30,000. In exchange, they would like recognition on the pavilion recognizing the Harrisonburg, Harrisonburg-Massanutten, Bridgewater, and Rockingham Rotary clubs.

Chairman Kyger stated Parks and Recreation can definitely do something to recognize the Ruritan clubs for the donation provided from the Strawberry Festival. He asked Mr. Dean to provide suggestions regarding how the clubs can be recognized.

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COURT SERVICES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Freeman’s staff report dated March 11, 2020.

In response to a question from Supervisor Wolfe-Garrison regarding trash pickup, Mrs. Freeman indicated there is a long list of people requesting help. She hopes the pick-up crew can accomplish a lot once the weather is nicer.

Administrator King introduced S. Frank Sottaceti, the newly-hired Criminal Justice Planner for Rockingham County/Harrisonburg City. Mr. Sottaceti indicated he and Mr. King have established a weekly meeting.

Administrator King said in the next few weeks he and Mr. Sottaceti plan to identify what data should be considered. Deputy Director of Technology Bowen is familiar with the data system and will help Mr. Sottaceti determine what information is obtainable. Administrator King said Mr. Sottaceti will also need to determine what groups are comfortable in sharing information.

Administrator King asked that anyone with suggestions contact Mr. Sottaceti to help him develop a plan, since he will be leading the effort to obtain bottom line results. He hopes the results will reduce the number of inmates in the Rockingham County Jail and Middle River Regional Jail, identify changes that need to be made, programs or classes that need to be added, or recognize the facilities are operating appropriately.

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COMMITTEE REPORTS.

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

AIRPORT

Chairman Kyger said flights in and out of Shenandoah Valley Regional Airport continue to be on time.

COMMUNITY CRIMINAL JUSTICE BOARD

Supervisor Chandler stated he and Mr. Sottaceti had a very good first meeting, with lively discussion regarding how to move forward.

FINANCE

On behalf of the Finance Committee, 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 approved the following contingency transfer:

FY2019-2020 CONTINGENCY TRANSFER

Technology Server Room Redesign & Replacement of Liebert Unit

The Technology Department submitted a capital improvement request to redesign the data center and move the wiring and racks for efficient use of the space, allowing better access and management, and better cooling and humidity control of all switches and servers. The outdated Liebert air conditioning unit needs to be replaced due to age and the inaccessibility of replacement parts. If the air conditioning unit fails, the room will overheat, causing switch and server failure, as they cannot operate under extreme temperatures. The room reaches 80°F in about 10 minutes. Due to the overheating possibility being greater in the summer, Facilities has gathered quotes for both parts of the project and recommends completing the work in the spring.

The cost of the redesign is about \$11,000 and the cost for the new unit is \$41,350 for an estimated project cost of \$55,000. A transfer from the contingency fund to the Facilities Department is requested in the amount of \$55,000.

Transfer: \$55,000

\$ 55,000 GL Code: 1001-04301-00000-000-508305-000 Facilities: Site Improvements
\$ (55,000) GL Code: 1001-09110-00000-000-505800-000 Contingency

On behalf of the Finance Committee, 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; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the following transfer:

HVAC Roof Top Units and Above Ceiling Units – Administration Building

Facilities is requesting \$84,359 to continue the replacement of HVAC equipment in the County Administration Building. They would like to replace three (3) roof top units and three (3) above ceiling units for the HVAC system. The total cost of the three roof top units is \$27,000. The total cost of the three above ceiling units is \$57,359.

Transfer: \$84,359

\$ 84,359 GL Code: 1001-04301-00000-000-508305-000 Facilities: Site Improvements
\$ (84,359) GL Code: 1001-09110-00000-000-505800-000 Contingency

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (HRRSA)

Mr. Rhodes reported Megan Byler was appointed to the Harrisonburg-Rockingham Regional Sewer Authority by the Town of Bridgewater to replace Bob Holton, who recently retired.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison advised that all public library branches in the County are Census-taking stations.

TECHNOLOGY

Deputy Director of Technology Bowen said the Technology Committee met and brought Supervisor Trumbo up to speed on the Technology department’s structure and project list.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger reported that he attended the National Association of Counties (NACo) Legislative Conference. President Trump, through the urging of the National Sheriff’s Association and bipartisan members of the U.S. Senate, has initiated a fairly large bill to divert mental health patients from local jails and state prisons to mental health facilities prior to their pre-trial hearing. The bill is working its way through Congress. Chairman Kyger reiterated this bill pertains to pre-trial; it has nothing to do with post-trial hearings.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 4:25 p.m. to 4:48 p.m., for a closed meeting pursuant to Section 2.2-3711.A(3), Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

MOTION: SUPERVISOR CHANDLER
SECOND: SUPERVISOR BREEDEN

RESOLUTION NO: 20-02
MEETING DATE: MARCH 11, 2020

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, KYGER, TRUMBO, WOLFE-GARRISON
NAYS: NONE
ABSENT: NONE

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RECESS.

At 4:48 p.m., Chairman Kyger declared the meeting recessed for dinner.

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PUBLIC HEARING – SPECIAL USE PERMIT.

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

Deputy Zoning Administrator Getz reviewed the following special use permit request:

SUP20-007 Hensley Holdings, LLC, 2591 Harpine Highway, Rockingham 22802 for an addition to motor vehicle repair shop office on property located on the west side of Harpine Highway (Route 42) approximately 600’ north of Willow Run Road (Route 767), Election District #2, zoned A-2. Tax Map #94A-(1)-1

The applicant was present to answer questions.

No one spoke regarding the request.

Chairman Kyger closed the public hearing at 6:03 p.m.

Supervisor Wolfe-Garrison motioned for approval, as presented by Mr. Getz. Supervisor Trumbo seconded the motion.

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 SUP20-007, Hensley Holdings, LLC, 2591 Harpine Highway, Rockingham 22802 for an addition to motor vehicle repair shop office on property located on the west side of Harpine Highway (Route 42) approximately 600’ north of Willow Run Road (Route 767), Election District #2, zoned A-2. Tax Map #94A-(1)-1.

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. Requirements of the Rockingham County Fire Prevention Code shall be met.
4. The addition shall not be used until a final inspection is made and a certificate of occupancy, if required, is issued.

ooooOoooo

ADJOURNMENT.

Chairman Kyger declared the meeting adjourned at 6:04 p.m.

_____,
Chairman

DRAFT

RESOLUTION DECLARING A LOCAL EMERGENCY AND DISASTER
EXISTS IN ROCKINGHAM COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of ROCKINGHAM COUNTY, Virginia, does hereby find as follows:

1. That due to the outbreak of COVID-19, recognized around the world as a pandemic, ROCKINGHAM COUNTY, including the towns therein, is facing a condition of extreme peril to the lives, health, safety and property of the residents of ROCKINGHAM COUNTY;
2. That as a result of this extreme peril, the *proclamation* of the existence of an emergency and disaster is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of ROCKINGHAM COUNTY, Virginia, proclaims, for purposes of state and federal law, that a local emergency and disaster now exists throughout ROCKINGHAM COUNTY and the towns therein; and

IT IS FURTHER RESOLVED, PROCLAIMED AND ORDERED that during the existence of this emergency and disaster the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization and functions of ROCKINGHAM COUNTY shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of ROCKINGHAM COUNTY in order to mitigate the effects of said emergency.

William B. Kyger, Jr., Chairman
Supervisor, District 4

Brent V. Trumbo
Supervisor, District 1

Sallie Wolfe-Garrison
Supervisor, District 2

Rick L. Chandler
Supervisor, District 3

Michael A. Breeden
Supervisor, District 5

Attest:

Stephen G. King, County Administrator

Dated: March 25, 2020



COUNTY of ROCKINGHAM Finance Department

Trish Davidson, CPFO
Director of Finance

TO: Board of Supervisors

FROM: Trish Davidson, Director of Finance

DATE: March 25, 2020

SUBJECT: Surplus Items

The attached list represents items that are no longer used by Rockingham County. If the Board approves the list for surplus, the items may be sold on the public surplus website.

If you have any questions, please don't hesitate to contact me.

TD/bjf

Items to Declare Surplus -March 2020

Dept. #	Department	Description	Quantity
3102	Sheriff	2008 Honda Accord	1
3102	Sheriff	2012 Jeep Liberty	1
3102	Sheriff	2012 Jeep Liberty	1
3102	Sheriff	2008 Ford Crown Victoria	1
3102	Sheriff	2011 Ford Crown Victoria	1
1221	Garage	2005 Chevrolet Blazer	1
4204	Landfill	2000 Jeep Cherokee	1
4204	Landfill	1998 Ford F150	1
4204	Landfill	1995 Jeep Cherokee	1
7104	Recreation	2007 Ford Explorer	1
4402	Utilities	2001 Dodge Ram 2500	1
4402	Utilities	2000 Chevrolet K2500	1
4300	County Property Maintenance	2003 Dodge Ram 1500	1
2201	Commonwealth Attorney	2001 Lexus GS430	1
5101	Social Services	2004 Dodge Intrepid	1

Items to Discard

March 25, 2020

STAFF REPORT: COMMUNITY DEVELOPMENT DEPARTMENT

BOARD ACTION REQUESTED

None.

PROJECTS AND REPORTS

LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY (Lisa Koerner Perry)

Letters have been mailed to property owners in the Lake Shenandoah Stormwater Control Authority with estimated fees ahead of the public hearing. This hearing was originally scheduled for March 25, but has been postponed to a future date.

CAPITAL IMPROVEMENTS PROGRAM (CIP) (Rhonda Cooper & Bradford Dyjak)

The Planning Commission recommended approval of the CIP Plan for fiscal years 2021-2025 at its March 3 public hearing. The Board will consider the recommended plan during a public hearing held concurrently with the annual operational budget hearing. The Advisory Subcommittee, appointed by the Commission, reviewed project requests through a series of meetings with department heads and relevant staff members.

BUILDING SERVICES DEPARTMENT / FRONT COUNTER OPERATIONS (Joe Shifflett)

From January 1 to February 28, 2020, building permit applications totaled 379; these numbers reflect an approximately 120% increase in permit activity for the same period last year. Permit application totals through February 2019 were 171, February 2018 totaled 285 and February 2017 totaled 253. The attached Development Activity Report breaks down separate totals of permit types and fees collected through February 28, 2020.

ROCKINGHAM COUNTY ROAD PROJECTS

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

- The project is anticipated to start mid to late March. The contractor is still on track for this as of March 16, 2020.

ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Bradford Dyjak)

The RBAC meeting scheduled for Thursday, March 19, has been postponed indefinitely. When the RBAC meets next, it will receive updates on transportation and trails and greenway projects, and evaluate bicycle safety measures.

PROJECTS AND REPORTS, continued

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 application competitiveness in 2020 Smart Scale. The MPO will submit a Smart Scale Pre-Application on the County's behalf by the end of March.

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, and no dedicated bus zone. Based upon this concept plan and cost estimate by April.

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 & construct paved, 8-foot wide lanes on both sides of 0.6 mile road segment Phase 1: preliminary engineering, right-of-way acquisition (\$350k) [Phase 2 construction (\$1.455m) will be future grant application.] 	Transportation Alternatives Set-Aside Grant (TAP) Application submitted 9/30/19.	\$1.805m (Phase 1: \$350k)

PLANNING COMMISSION ACTIONS

At the Planning Commission's March 3 meeting, the following three rezoning public hearings were held; an ordinance amendment was also recommended for approval. The ordinance amendment status report is presented later in this report.

Item	Description	Comments/ Recommendations
REZ20-016	West Lake Space, LLC. , 1502 Brookhaven Drive, Rockingham, VA 22801 request to rezone 0.743 acres from A-2 General Agricultural District to R-3 General Residential District . The parcel is located at 3302 Albert Long Drive (Route 895), Rockingham, VA. Comprehensive Plan Designation: Mixed Use Center within the Stone Spring Urban Development Area; Tax Map #125-(A)-L125A. Election District 3.	Planning Commission recommended approval 5-0 on 3/3/20; Pending before Board T.B.D.
REZ20-022	Freedom Center DC Institute , 9373 N. Congress St., New Market, VA 22844 request to rezone a 3-acre parcel located on the west side of North Valley Pike (US 11), about 200 feet south of Mayland Road (Rt.259) from B-2C-Neighborhood Business with Conditions to A-2-General Agricultural . Comprehensive Plan Designation: Agricultural Reserve; Tax Map # 67-(A)- L11A2. Election District 1.	Planning Commission recommended approval 5-0 on 3/3/20; Pending before Board T.B.D.
REZ20-023	Cosner Construction, Inc. , P.O. Box 609, Broadway, VA 22815, request to amend the existing proffered conditions and plan description of Locust Grove Village covering a 5.9 acre-portion of a 10-acre parcel located on the southeast side of Boyers Road (Route 704) approximately 0.5 mile south of Stone Spring Road (VA 280) , designated as PMF-C Planned Multi-Family District with Conditions. Comprehensive Plan Designation: Community Residential in the Stone Spring Urban Development Area, Tax Map #125-(A)-L220B, Election District 3.	Planning Commission recommended approval 5-0 on 3/3/20; Pending before Board T.B.D.
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. Private Street Standards	17-700, 701	Review of private streets design standards ongoing.	Board authorized study on 1/23/19
2. Review of A-1 & A-2 District Uses	17-302 & 17-303; Ch. 16	Evaluate distinction of uses between the two districts; 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	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.	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; Pending before Board T.B.D.
7. (OA20-008) PMF District: Setbacks for Apartment Buildings	17-403 & 17-806.02	Eliminates setbacks for apartment structures & required 10’ between buildings in Planned Multifamily District.	PC Recommended Approval 3/3/20; Pending before Board T.B.D.
8. Poultry Operations Study	17-201, 606, 607& 16-9.1	Evaluate: proximity to existing residential dwellings, stormwater run-off, aquifer health, and air particulates generated from the poultry houses.	Board Authorized Study 1/8/2020; Advisory Committee to be assembled.

PRIORITY PROJECTS UNDERWAY BY STAFF

Projects	Lead Person	Status	Target Date
Census 2020 Complete Count Committee	Bradford & Zachary	Initial Census request for response will be sent between 3/12 & 3/20. Continuing outreach coordination with Schools, City and JMU representatives.	Ongoing through April 2020
Capital Improvement Program (CIP) Update FY 2021-25	Rhonda & Bradford	Planning Commission held public hearing and recommended approval 3/3/20.	Board to hold public hearing in April.
Ongoing Review/Tasks	Lead Person	Status	
Deed Review	Diane	12 deeds under review as of 3/18/20: 4 pending review, 6 awaiting revision.	
Violations	Kelly	51 active complaints, 25 cases pending legal action as of 3/17/20	
Site Plans & Subdivisions	Bradford & Patrick	12 site plans and 5 subdivisions under review as of 3/16/20	
Subdivision Ordinance Variances	Diana	0 requests under review, as of 3/17/20	
Zoning Variances	Diana	0 requests under review, as of 3/17/20	
Zoning Appeals	Diana	0 requests under review, as of 3/17/20	
Home Occupation Permits	Diana	0 permit requests under review, as of 3/17/20	
Home Business Permits	Diana	0 permit requests under review, as of 3/17/20	
Special Use Permits	Diana	4 permit requests under review, as of 3/17/20	
Special Entertainment Permits	Diana	0 permit requests under review, as of 3/17/20	
Rezoning	Bradford	10 rezoning requests under review, as of 3/16/20	
Comprehensive Plan Amendments	Bradford	0 requests under review, as of 3/16/20	
Permits and Fees Processed	Joe	708 total transactions for month of February 2020	
Building Inspections	Joe	1,547 inspections conducted during February 2020 (averaged 77.35 inspections per day)	
Building Plans	Joe	42 Plans under review, as of 2/28/20	
Environmental (E&S/Stormwater) Plan Review	Lisa	15 plans under review, 33 approved and awaiting permit issuance, as of 3/3/2020	
Environmental Inspections	Lisa	627 inspections conducted in February 2020	
Addressing Structures	Kendrick	35 new structures addressed in February 2020	
Naming of New Roads	Kendrick	1 new road named in February 2020	

UPCOMING PUBLIC HEARINGS

March 25, 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
Jessica Diaz	Permit Specialist I	564-3040	N/A
Kayla Yankey	Permit Specialist II	564-6024	578-1120
BUILDING CODE ENFORCEMENT			
Joe Shifflett	Building Official	564-3041	578-1558
Ben Terry	Plan Reviewer	564-3046	578-1123
JN Riddel	Building Inspector	N/A	578-1121
Rick Davis	Building Inspector	N/A	830-8018
Danny Mason	Building Inspector	N/A	578-3515
(vacant)	Building Inspector	N/A	N/A
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