

January 8, 2020

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 8, 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:

LOWELL R. BARB, Commissioner of the Revenue

- 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
- 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
- LISA K. PERRY, Director of Environmental Services
- DIANA C. STULTZ, Zoning Administrator
- PATRICK C. WILCOX, Senior Planner
- ZACARY M. POPOVICH, Permit Specialist (Part-time)
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- DAVID ATWOOD, Area Land Use Engineer,
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Administrator King called the meeting to order at 3:00 p.m.

Supervisor Kyger provided the Invocation and Assistant County Administrator Armstrong led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – ABSTAIN; WOLFE-GARRISON – AYE; the Board approved the following minutes:

- Regular meeting of December 11, 2019
- Recessed meeting of December 16, 2019
- Recessed meeting of December 18, 2019

On behalf of the Board, Supervisor Wolfe-Garrison said the Deputy Clerks preparing the minutes do an excellent job of maintaining accuracy with all the discussion back and forth.

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2020 REORGANIZATION OF THE BOARD.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN.

On motion by Supervisor Chandler, seconded by Supervisor Breedon, 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 elected William B. Kyger, Jr. as Chairman for 2020.

Administrator King turned the meeting over to Chairman Kyger.

On motion by Supervisor Wolfe-Garrison, 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 elected Rick L. Chandler as Vice Chairman for 2020.

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RECOGNITION OF 2019 CHAIRMAN.

On behalf of the Board, Chairman Kyger thanked Supervisor Breedon for doing such a great job representing the County and Board throughout the year. He noted that Supervisor Breedon’s last meeting as Chairman was “one for the ages and he made history”. Chairman Kyger told Supervisor Breedon that he looks forward to working with him this year.

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SETTING OF DAY AND TIME OF REGULAR MEETINGS.

Administrator King said it was suggested to have one meeting in July (July 15, 2020) instead of two meetings. He said this is similar to the Board schedule in 2019.

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 set the 2020 meeting schedule:

Beginning with this meeting held on January 8, 2020, and each second Wednesday thereafter, the first meeting of the month shall commence at 3:00 p.m.

Beginning January 22, 2020, and the fourth Wednesday of each month thereafter, the second meeting of the month shall commence at 6:00 p.m., with the following exceptions: there will be only one meeting held in July on July 15, 2020 at 3:00 p.m.; in November on November 18, 2020, at 3:00 p.m.; and, in December on December 9, 2020 at 3:00 p.m.

With regard to meetings delayed due to inclement weather, if a meeting cannot be held due to inclement weather or for any reason as determined by the Chairman, or the

Vice-Chairman if the Chairman is not available, the meeting will be held at the scheduled time on the following Wednesday, unless otherwise determined by the Board.

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REVIEW OF COMMITTEE ASSIGNMENTS.

The Board received the following draft of the 2020 Chairman's Committee appointments:

**BOARD OF SUPERVISORS
2020 Chairman's Committee Appointments**

BOARD COMMITTEES:

BUILDINGS AND GROUNDS

William Kyger
Brent Trumbo

FINANCE

Michael Breeden
William Kyger

PUBLIC WORKS

Rick Chandler
Sallie Wolfe-Garrison

PERSONNEL COMMITTEE

William Kyger
Rick Chandler

LIAISON COMMITTEES:

CITY-COUNTY LIAISON

Michael Breeden
Rick Chandler

**AUGUSTA/ROCKINGHAM
LIAISON COMMITTEE**

Rick Chandler
William Kyger

SCHOOL BOARD LIAISON

Sallie Wolfe-Garrison
William Kyger

TOWNS/COUNTY LIAISON

William Kyger
Town's Board Member or Vice-Chairman

JMU LIAISON

Rick Chandler
William Kyger

SENTARA-RMH LIAISON

Rick Chandler
William Kyger

OTHER COMMITTEES:

**CENTRAL SHENANDOAH PLANNING
DISTRICT COMMISSION**

Brent Trumbo
Rhonda Cooper

TECHNOLOGY COMMITTEE

Sallie Wolfe-Garrison
Brent Trumbo

SOCIAL SERVICES ADVISORY BOARD

Michael Breeden

MASSANUTTEN REGIONAL LIBRARY

Sallie Wolfe-Garrison

CHAMBER OF COMMERCE

Sallie Wolfe-Garrison

RELATED LANDS (Federal)

Michael Breeden
Rhonda Cooper

**COMMUNITY CRIMINAL
JUSTICE BOARD**

Rick Chandler
County Administrator

WORK FORCE INVESTMENT BOARD

To be named
Casey Armstrong, alternate

VACO BOARD

William Kyger

METROPOLITAN PLANNING ORGANIZATION

Sallie Wolfe-Garrison
Stephen King
Casey Armstrong

Alternates
Rhonda Cooper
Bradford Dyjak

Chairman Breeden suggested if anyone has an issue attending a meeting ask another Board member to attend in his or her place.

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RECESS.

At 3:07 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Countryside Sanitary District.

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RECESS.

At 3:09 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Lake Shenandoah Stormwater Control Authority.

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RECESS.

At 3:24 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Lilly Subdivision Sanitary District.

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RECESS.

At 3:29 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Penn Laird Sewer Authority.

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RECESS.

At 3:30 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Smith Creek Water and Waste Authority.

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TRANSPORTATION DEPARTMENT.

At 3:33 p.m., Chairman Kyger reconvened the regular meeting of the Board to hear Mr. Komara’s report on the activities of the Transportation Department, including the following updates to bridge, road and rural rustic projects:

- The Mauzy bridge project over Interstate 81 continues to progress well. Traffic should be moved to the new structure in July. There is an incentive for the contractor to complete the bridge in December. Otherwise, it will be completed in 2021.
- Bike and Buggy lanes have been authorized and a preconstruction conference will be scheduled soon.
- Bids were opened for realignment of the Interstate 81 exit ramp 246 with Forest Hill Drive. The low bidder was A & J Construction at \$2,491,330. Work can begin in May, immediately after James Madison University students graduate. Mr. Komara noted VDOT designed the realignment and the City will administer the project.
- The Friedens Church Road (Route 682) bridge replacement will be advertised in the fall of 2020. The bridge will be lifted to be parallel with the railroad track and eliminate a dip in the road.
- VDOT will advertise the \$60 million project to replace four bridges over Interstate 81 and Country Club Road with two bridges and a multi-use trail in the fall of 2021 or in 2022.
- Recent maintenance included snow removal after over five inches fell on January 7, 2020. Mr. Komara noted that secondary roads are in minor condition with drifts of

one to one and a half foot. VDOT is running over gravel roads, putting down stone, spreading gravel and grading.

Mr. Komara reported that VDOT is evaluating roads in Massanutten. If the roads are brought into the system through the rural addition process, many things need to be considered, and it will not be an easy project. Mr. Komara noted there are no written guidelines for a volume of 3,700 vehicles a day on the main road and the roads do not have standard guardrails. VDOT will need to look into public service and ensure the pipe sizing is standard, as well as widths and grades of roads. He said the project will fall under a rural addition instead of a subdivision.

Mr. Komara stated Carter Miller is doing a wonderful job maintaining the roads, which are pre-treated, but VDOT does not pre-treat secondary roads. Mr. Komara indicated entrances into some parking lots are not as defined as VDOT prefers and VDOT needs to be aware of Massanutten's expectations.

Supervisor Breeden requested that VDOT look further into the Massanutten roads.

Mr. Armstrong informed Mr. Komara that Merck said they appreciated VDOT working with them on a traffic light at the intersection of Captain Yancey Road (Route 642) and East Side Highway (Route 340). However, Merck questions how helpful a light will be since the railroad is the source of the delays, and they understand they probably do not warrant a light. Mr. Armstrong believes David Atwood will continue looking into a potential flashing light at the intersection.

Supervisor Breeden said the same situation exists on Island Ford Road (Route 649) due to the staging lane for the railroad. He informed Mr. Komara traffic backs up on the Island Ford Bridge from East Side Highway (Route 340) to Captain Yancey Road (Route 642). Mr. Breeden noted there had previously been one fatality and another wreck earlier in the day.

In response to a question from Supervisor Breeden, Mr. Komara said he talked with a concerned citizen on Duck Run Road (Route 674) who wants chevrons placed on the curve below her house.

Supervisor Wolfe-Garrison asked to meet with Mr. Komara separately regarding the status of the design on Route 11 South. She thanked VDOT staff for the road coverage during the snow.

Supervisor Chandler thanked VDOT for doing a good job plowing. Mr. Komara said VDOT scratched over pipe locations that Mr. Chandler requested on Oak Shade Road (Route 676). They are also looking at Duck Run Road (Route 674).

Chairman Kyger brought up an issue on Main Street (Route 11) in Mt. Crawford, where the road dips down in front of the post office and the water does not drain well. He asked if there was a way to clean up the drainage or clean out the drains so water will drain better. Mr. Komara said he will look into the issue.

Chairman Kyger said citizens along Main Street (Route 11) in Mt. Crawford asked for parking restrictions on the west side of Main Street from Old Bridgewater Road South (Route 867) to the town limits going toward Augusta County. He noted residents trying to exit their driveways have little sight distance and pull into traffic. This would essentially widen Route 11, which is narrow due to vehicles parking on both sides of Main Street. Mr. Kyger said since Route 11 becomes the main thoroughfare with a lot of truck traffic when Interstate 81 is closed, this could relieve some of that congestion.

Chairman Kyger said Mt. Crawford citizens who live on Main Street north of Old Bridgewater Road do not have access to their property except from Main Street. However, those that live south of Old Bridgewater Road have a street behind their properties with accessible parking so that part of Main Street could be handled fairly easily, Chairman Kyger said.

Chairman Kyger also requested a traffic signal at both ends of Airport Road (Route 727), at Route 11 and Route 42. In addition to increased traffic to Dynamic Aviation, when Interstate 81 is closed, motorists often take Airport Road as a bypass. Mr. Komara noted VDOT will increase the standard 24-inch stop sign as you approach Route 11 to 36 inches. Where motorists approach Route 42, VDOT hopes to install a delineator with arrows so people know they have to take a right or left and cannot go straight. Additionally, VDOT will put up double chevrons to help people at night. Mr. Komara hopes to make those improvements in a couple of weeks. Chairman Kyger indicated it would be nice at some point to align Airport Road and Spring Creek Road (Route 613).

Mr. Komara stated VDOT has to meet warrants (traffic control signal studies) on traffic signals, and has to look at alternate intersections at signals, such as roundabouts and R-cuts. He said there is funding for signals that meet warrants. He also noted large companies might help fund an alternate intersection if it is advantageous to them. Businesses may also consider helping to fund future revenue sharing projects.

Chairman Kyger asked that Ladybug Road (Route 749) be considered a rural rustic road from Briery Branch back to the sharp angle turns to make it easier for school buses to navigate. He said it becomes even more difficult if a tractor pulling farm machinery and a school bus meet. Mr. Komara met with the property owner who may be able to move a fence and give land to VDOT for necessary improvements. Chairman Kyger said he would also like to clean up the Briery Branch Bridge and said some fire and rescue staff may be willing to help.

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COMMISSIONER OF THE REVENUE – TAX REFUND.

Commissioner of the Revenue Lowell R. Barb presented a refund request from H & M Hennes and Mauritz AB, who is represented by Ryan Tax LLC. When filing with the Department of Taxation, their machinery and equipment was listed as being in Rockingham County instead of the City of Harrisonburg in tax year 2018. Commissioner Barb would like to reimburse the company for the erroneous payment of \$6,353.10 plus interest of \$52.94 for a total refund of \$6,406.04.

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 directed the Treasurer to refund \$6,406.04 to H & M Hennes and Mauritz AB for the erroneous payment of machinery and equipment taxes in 2018.

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CONSIDERATION – RESOLUTION CONSENTING TO CONTINUE INITIAL RESETTLEMENT OF REFUGEES IN ROCKINGMAN COUNTY.

Susannah Lepley, Virginia Director of Immigration and Refugee Resettlement, asked Board members if they had any questions about the proposed resolution. Supervisor Breeden wanted to make sure the refugees will not be in a place where they cannot get a job. Ms. Lepley noted that the refugees are required to have a job, and usually have one within 90 days, as there is a delay to process paperwork. Supervisor Chandler stated that refugees fill jobs that would not be staffed otherwise. Chairman Kyger noted this has been occurring in our community for some time, is encouraged and supported by the State Department, and the refugees usually have connectivity in the County.

On motion by Supervisor Breeden, 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 resolution:

**COUNTY OF ROCKINGHAM
VIRGINIA**

**CONSENTING TO CONTINUED INITIAL RESETTLEMENT OF REFUGEES IN
ROCKINGHAM COUNTY**

WHEREAS, the County of Rockingham has welcomed refugees facing persecution for many years; and,

WHEREAS, as defined in federal law, refugees are individuals who have been forced to flee their home country due to persecution based on their race, religion, nationality, political opinion, or social group; and,

WHEREAS, the United States government operates the U.S. Refugee Admissions Program and mandates extensive refugee vetting for every refugee resettled to the United States; and,

WHEREAS the County of Rockingham, in cooperation with the federal government and the administration of constitutional and legal programs, has become the home of resettled refugees who may be joined by family members from which they have been separated; and,

WHEREAS, community members, families, local organizations and faith-based institutions have supported the arrival and integration of legal refugee families for years; and,

WHEREAS several local employers hire legal refugees to help grow their business; and,

WHEREAS, the Notice of Funding Opportunity for Reception and Placement Program requires applicants to seek written consent for resettlement of refugees from the chief executive officer of the county government.

NOW, THEREFORE, BE IT RESOLVED BY THE ROCKINGHAM COUNTY BOARD OF SUPERVISORS, this 8th day of January, 2020, that with regard to federal Executive Order 13888 “*On Enhancing State and Local Involvement in Resettlement*,” the Board of Supervisors of Rockingham County, Virginia consents to the initial resettlement of refugees and directs the County Administrator to expressly confirm so in writing to the US Department of State, Bureau of Population, Refugees, and Migration upon passing of this resolution, with a copy of this resolution to be transmitted to the US Department of State, Bureau of Population, Refugees, and Migration.

BE IT FURTHER RESOLVED that this consent shall remain valid until withdrawn.

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**CONSIDERATION – RESOLUTION IN SUPPORT OF EQUAL TAXING
AUTHORITY FOR VIRGINIA COUNTIES.**

The Virginia Association of Counties (VACo) had provided a draft resolution and requested support for equal taxing authority for Virginia counties, which Chairman Kyger indicated is a legislative priority for VACo. The proposed resolution calls for the General Assembly and Governor to enact legislation to equate the taxing authority between counties and towns.

In response to a question from Supervisor Wolfe-Garrison, it was noted that the resolution was provided by VACo; not drafted in-house.

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 adopted the following resolution:

Resolution of the Rockingham County Board of Supervisors
Support for Equal Taxing Authority for Virginia Counties

Whereas, under the Code of Virginia county governments have less authority to raise revenues to meet their responsibilities than do cities and towns; and

Whereas, limitations on counties’ ability to raise revenues from diverse sources result in an over-reliance on real property taxes to fund basic services of local government; and

Whereas, counties are limited in their ability to raise revenues from meals, cigarette, transient occupancy, and admissions taxes that are available to cities and towns; and

Whereas, providing counties equal taxing authority merely provides local boards of supervisors the ability to levy the same taxes that may already be imposed by city councils; and

Whereas, county governments have the same responsibility as cities for the funding of and meeting state requirements for core services, such as K-12 education, public safety, social services, and public health; and

Whereas, relying too heavily on one source of revenue leaves counties vulnerable to downturns in the real estate market and population shifts; and

Whereas, additional tools to raise revenues would allow counties options to invest the necessary additional funds to respond to modern-day challenges, such as enhancing election cybersecurity; providing mental health treatment in jails; addressing substance abuse; maintaining vital infrastructure, such as water and sewer systems; and implementing Next-Generation 911 technology; and

Whereas, state enabling legislation is required to provide counties with this additional taxing authority; and

Whereas, each locality is best positioned to determine the appropriate mix of revenue sources to meet local needs.

Now Therefore, the Board of Supervisors of Rockingham County does hereby resolve and express its support and desire for the Virginia General Assembly to enact such legislation as is necessary to authorize Virginia counties to exercise additional taxing authority equal to that of cities and towns.

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ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s Community Development staff report dated January 8, 2020.

Mr. Armstrong indicated he and Administrator King visited the Horizons Edge Sports Campus. He noted this is a wonderful facility, which will be a tremendous resource for the community and economic development.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated January 8, 2020.

A revised budget calendar had been provided regarding finance committee meetings, which are tentatively scheduled for February 4 and 5, if those dates work.

Mrs. Davidson noted there was a Request for Proposals for a Retirement Plan Management Consultant to provide retirement plan advisory services outside of the Virginia Retirement System. Five responses were received and interviews were conducted with the top three candidates. The committee recommends contracting with Bolton

Partners in the amount of \$25,000 per year for a term of five years. Mrs. Davidson asked that the Board approve contracting with Bolton Partners to help manage 457 deferred compensation plans for employees.

On motion by Supervisor Breeden, 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 contract with Bolton Partners in the amount of \$25,000 per year for a term of five years to provide employee assistance with deferred compensation plans.

Administrator King noted that a finance employee left the County to take another job. Rather than fill the vacant position, responsibilities were assigned to different employees. Since the work is being performed efficiently, Finance does not plan to replace the position for a while. Administrator King asked department heads to evaluate whether a position needs to be filled when it is vacated. He commended Mrs. Davidson for saving the County money.

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated January 8, 2020.

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Rhodes’ staff report dated January 8, 2020.

Mr. Rhodes clarified that a comment about the City of Harrisonburg water line being completed by February refers to sewer rerouting. The entire project should be finished in the next 18 months, he said.

Administrator King mentioned renewing the Pincelli Associates agreement with the University of Virginia (UVA) for the landfill to accept fly ash to use as cover material. Mr. Rhodes would like authorization to renew the Pincelli Associates agreement for a three-year period, with UVA paying \$12 a ton.

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 authorized staff to renew the landfill contract with Pincelli Associates for three years, with UVA paying the County \$12 a ton.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report dated January 8, 2020.

Ms. Cooper asked that the Board authorize staff to examine the poultry facility ordinance. A similar examination was performed five years ago with an agricultural advisory committee. Staff would like to establish a similar committee to look at outstanding issues that continue to arise, such as the distance poultry houses are from residential properties, stormwater runoff, and airborne particles from poultry house fans. She said the committee will consist of a good cross section of the community involved for a balanced advisory committee to help with the work.

By consensus, the Board authorized Community Development staff to move forward to establish an agricultural advisory committee to examine the poultry facility ordinance.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

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

Mrs. Perry reported that a strategic workshop for Perceptive Software was held with a lot of participation from Administration, Community Development and Fire and Rescue. She thanked those who participated to help develop a 12-month plan.

Technology is in the process of providing staff with new computers. Mrs. Perry suggested staff contact Technology regarding any issues.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated January 2020. He reported that the new Computer-aided Dispatch (CAD) system is up and running. He explained that the closest available unit will answer the call. The closest ambulance staff may respond, but if the call is for basic life support that requires a paramedic, the closest paramedic will also respond. The system uses road mileage and the speed limit of roads to determine the closest responder. Chief Holloway noted that the City is responding to calls in the County and vice versa to provide the fastest response. The system is working even though they do not have all the computers installed in apparatus yet. Reconfiguration is being performed so it will take a little time before it is functioning perfectly.

Chairman Kyger thanked Chief Holloway for making the system more efficient, and noted that when people are in need, they do not care which emergency squad responds; they just want someone there as quickly as possible.

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PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated January 2020.

Mr. Dean explained there is a \$25 reservation fee for the summer program that does not reserve a spot if the customer's account is delinquent. Recreation would like to eliminate the \$25 reservation fee and increase the fees enough to cover the \$25.

Mr. Dean introduced Will Snuffin, a representative for the Cross Keys/Mill Creek and Keezletown Ruritan Clubs, who have financially supported flags at the park. Mr. Snuffin shared a vision for a veterans' and first responders' memorial at Rockingham Park at the Crossroads. Mr. Dean informed the Board of the proposed area for the memorial, and said he would like to put in crosswalks to a walkway leading to the memorial. He would like the walkway to consist of memorial stones, so citizens can purchase a \$100 memorial stone in remembrance of a loved one. The County's cost for the stones will be approximately \$25 each.

Mr. Snuffin indicated the Ruritan Clubs have had an objective for the past three years to support the efforts in developing a flag display at the park. They also would like a memorial honoring veterans and first responders. He provided proposed wording for the memorial and photos of optional memorial stones. The Clubs selected a gray granite stone at a cost of \$1,420, which will be a gift from the Ruritan Clubs.

Administrator King asked if site work is needed for sidewalks or paths. Mr. Dean indicated there will be a T-shaped walkway of memorial stones and benches for visitors to sit, that will tie into the walking trail. In response to a question from Supervisor Wolfe-Garrison, it was noted that the flags are already lit and placed at half-staff when government requests are received.

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 the Ruritan and staff to move forward with the memorial project at Rockingham Park at the Crossroads.

Chairman Kyger thanked Mr. Snuffin and the Ruritan Clubs for their generosity.

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COURT SERVICES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Freeman’s staff report dated January 8, 2020.

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COMMITTEE REPORTS.

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

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION (CSPDC)

Ms. Cooper noted her staff report mentions the membership dues increase, which was approved in the budget. Supervisor Chandler asked Ms. Cooper to meet with Supervisor Trumbo to brief him on the CSPDC.

FINANCE

Route 42 Shoulder Widening (Bike/Buggy/Pedestrian Lane)

An Invitation to Bid (ITB) for the Route 42 Shoulder Widening from Route 732, one-tenth of a mile north of Route 910 (Bike/Buggy/Pedestrian Lane) project was issued and three responses were received. Funding for the project was to come from a Transportation Alternatives federal grant program (TAP). The grant approved funds up to a total of \$500,000 with a 20 percent local match (\$100,000).

The responses to the ITB came in above the engineer’s estimate. A & J Development & Excavation, Inc. was the low bidder at a total construction cost of \$685,226. After engineering and oversight costs are included, the total estimated cost is \$743,884. Since the County was short \$243,000, staff worked with VDOT to move the remaining funds from previous road projects to revenue share the amount over the original grant amount. VDOT approved this request and provided a 50/50 grant for \$221,942 from unused funds appropriated for the Massanetta Springs Road project.

The approval to award the contract to A & J Development & Excavation, Inc., in addition to the following supplemental appropriation, is required in order to account for all sources of funds provided for the project. Local funds requested were \$221,942, provided from unused funds appropriated for the Massanetta Springs Road project.

Mrs. Davidson noted the Board approved the Resolution on December 16, 2019, but still needs to award the contract to A & J Development & Excavation, Inc. and approve the 2019-2020 supplemental appropriation.

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 awarded the contract to A & J Development & Excavation, Inc. in the amount of \$743,884.

On behalf of the Finance Committee, on motion by Supervisor Breedon, seconded by Supervisor Wolfe-Garrison, and carried by a roll call 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 2019-2020 supplemental appropriation:

Supplemental Appropriation: \$743,884

\$743,884 GL Code: 1101-09401-00000-000-508397-000 Rte 42 Bike & Buggy Lane
\$121,942 GL Code: 1101-00000-12404-000-324990-000 VDOT Revenue Sharing
\$400,000 GL Code: 1101-00000-13900-000-339600-000 Transportation Alternatives Program
(\$221,942) GL Code: 1101-09401-00000-000-508376-000 Transfer from Massanetta Springs Road

On behalf of the Finance Committee, on motion by Supervisor Breedon, seconded by Supervisor Chandler, and carried by a roll call 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 2019-2020 contingency transfer:

Victim Witness Vehicle

A transfer from the contingency fund to the Commonwealth Attorney’s Department in the amount of \$25,000.

The purchase of a vehicle dedicated to the Commonwealth Attorney’s Office to transport victims and witnesses as needed for the daily operation of the office. In addition to transports, the office will provide the vehicle for employees to use when attending training, conferences and other day-to-day errands.

Finance is obtaining quotes for a vehicle and it appears the best option is a 2019 or 2020 Ford Escape at a purchase price of approximately \$25,000.

Transfer: \$25,000

\$ 25,000 GL Code: 1001-02201-00000-000-508005-000 Vehicles
\$ (25,000) GL Code: 1001-09110-00000-000-505800-000 Contingency

On behalf of the Finance Committee, on motion by Supervisor Breedon, seconded by Supervisor Wolfe-Garrison, and carried by a roll call 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 2019-2020 appropriations transfer:

Munis Application Expenses

The Finance Department would like to more accurately reflect the expenses of the Munis Software by the departments that are utilizing the software and its services. In the past, the expenses have only been appropriated to the capital projects fund and finance department. The transfer will more accurately reflect the expenses by department, and will only reclassify current budgeted expenditures. No additional money is requested.

Transfer Appropriation: \$287,860

\$ (175,260)	GL Code: 1101-09401-00000-000-508300-000	Financial Software Project
\$ 117,530	GL Code: 1101-09301-00000-000-509501-000	Transfer to General Fund
\$ 57,730	GL Code: 1101-09301-00000-000-509541-000	Transfer to Water & Sewer Fund
\$ 117,530	GL Code: 1001-00000-15101-000-351101-000	Transfer from Capital Projects
\$(112,600)	GL Code: 1001-01215-00000-000-503302-000	Finance Maintenance Service Contracts
\$ 95,780	GL Code: 1001-01209-00000-000-503302-000	Com of Rev: Maint Service Contracts
\$ 87,520	GL Code: 1001-01213-00000-000-503302-000	Treasurer: Maint Service Contracts
\$ 46,830	GL Code: 1001-01218-00000-000-503302-000	HR: Maint Service Contracts
\$ 57,730	GL Code: 1401-00000-15101-000-351101-000	Transfer from Capital Projects
\$ 57,730	GL Code: 1401-04402-00000-000-503302-000	Water & Sewer: Maint Service Contracts

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a roll call 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 2019-2020 supplemental appropriation:

Lilly Sanitary District

The Finance Department has been watching the financial condition of the Lilly Sanitary District for quite some time and the District is operating in a negative cash flow situation. Staff recommends the Water/Sewer Fund pay off the Lilly Sanitary Debt to the Virginia Resources Authority and the County General Fund. Paying off the debt to the Virginia Resources Authority and the General Fund will save over \$30,000.

In the future, loans will be transferred from the Water/Sewer fund and will require a rate increase in order to cover the expenditures from previous and future years.

Supplemental Appropriation: \$387,124

\$ 387,124	GL Code: 1401-15201-00000-000-352000-000	Fund Reserve
\$ 387,124	GL Code: 1401-09301-00000-000-509543-000	Trsf to Lilly Subdivision Fund
\$ 387,124	GL Code: 1403-00000-15101-000-351401-000	Transfer from W&S Fund
\$ 225,116	GL Code: 1403-09501-00000-000-509103-000	Principal VRA
\$ 6,708	GL Code: 1403-09501-00000-000-509203-000	Interest VRA
\$ 32,500	GL Code: 1403-09501-00000-000-509104-000	Principal General Fund
(\$122,800)	GL Code: 1403-00000-15201-000-352000-000	Lilly: Temp Loans from Prev Years

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a roll call 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 2019-2020 supplemental appropriation:

District Court Building Renovation

A supplemental appropriation in the amount of \$2,250,000 for the renovation of the District Court Building, Phases 3b-f. Moseley Architects designed the renovation and Harman Construction, Inc. was the low bidder for construction. Half of the funding is provided by the City of Harrisonburg.

Supplemental Appropriation: \$2,250,000

\$1,125,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to Capital Projects Fund
\$1,125,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Balance
\$1,125,000	GL Code: 1101-00000-11899-000-318600-000	Share of Costs: City of Harrisonburg
\$1,125,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund
\$2,250,000	GL Code: 1101-09401-00000-000-508396-000	District Court Renovation Phase 3

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Ms. Cooper indicated the next MPO meeting is on January 16, 2020.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger reminded the Board and staff about the VACo Rural Caucus on February 5 and VACo Local Government Day on February 6 in Richmond.

Administrator King said if anyone is interested in attending, they need to contact one of the Executive Assistants soon.

CHAIRMAN

Chairman Kyger stated he looks forward to a good year with the Board and staff, and thanked them for their confidence in him.

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RECESS.

Chairman Kyger recessed the meeting for dinner at 4:45 p.m.

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PUBLIC HEARING – ORDINANCE AMENDMENT.

At 5:58 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following proposed ordinance amendments:

OA19-255 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607. Supplemental standards for certain land uses to increase the size of accessory dwellings from 1200 square feet enclosed area to 1500 square feet enclosed area.

Ms. Stultz indicated the proposed 1500 square feet would include garages, so they cannot be converted into a room.

By a 5 to 0 vote on December 3, 2019, the Planning Commission recommended approval of the proposed ordinance amendment.

No citizens spoke regarding the ordinance amendment.

OA19-256 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607. Supplemental standards for certain land uses to add supplemental standards for convenience stores in the A-2 and RV zoning districts and amending Table 17-606. Land use and zoning table to show that convenience store in A-2 and RV have supplemental standards.

The ordinance amendment was requested by Attorney Todd Rhea from Clark & Bradshaw.

By a 5 to 0 vote on December 3, 2019, the Planning Commission recommended approval.

No citizens spoke regarding the ordinance amendment.

OA19-267 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 Definitions generally. To allow semi-trailers for storage containers on A-1, A-2 and RV parcels of 2 acres or more and to amend Section 17-607. Supplemental standards for certain land uses to state in the A-1, A-2, and RV parcels of 2 acres or more, if semi-trailers are used for storage, the wheels and axles must be removed and if it is a use that requires a special use permit, such special use permit requirement shall be required for the storage container.

By a 5 to 0 vote on December 3, 2019, the Planning Commission recommended approval, asking that a table be added for clarification. The table has been added.

Supervisor Trumbo confirmed with Ms. Stultz that the reason for removing the wheels and axles from trailers is so they cannot be moved. Ms. Stultz explained that a trailer is classified as a motor vehicle if it has wheels and axles. A motor vehicle is considered inoperable if it is setting on property without valid tags and inspection stickers. She noted that most citizens who have been using trailers indicate that is not a problem; and some people have already removed the wheels and axles, she said.

When Chairman Kyger asked if the trailer would need to be broken down on site if someone wants to move it later, Ms. Stultz indicated that was correct.

Administrator King confirmed that the trailer is basically a storage box after the wheels are removed.

Supervisor Trumbo indicated a Landoll will not move a trailer with no wheels and axles the same as it will move a sea container, unless the trailer is torn down or smash it.

No citizens spoke regarding the ordinance amendment.

At 6:08 p.m., Chairman Kyger closed the public hearing.

On motion by Supervisor Trumbo, seconded by Supervisor Wolfe-Garrison, and carried by a roll call 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 ordinance amendment:

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

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

That Section 17-607. Supplemental standards for certain land uses be and hereby is amended as follows:

Dwelling, accessory.

- (a) Any enclosed area used for the accessory dwelling shall not exceed fifteen hundred (1,500) square feet.
- (b) Only one (1) accessory dwelling shall be permitted per parcel.

(c) In addition to (a) and (b) above, in the R-1, R-2, PSF, MXU, R-4, and R-5 zoning districts, all accessory dwellings shall have direct vehicular access to a public or private street

All other supplemental standards are re-affirmed.

This ordinance shall be effective from the 8th day of January 2020.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call 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 ordinance amendment:

**ORDINANCE AMENDING
SECTION 17-607 AND
TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-607. Supplemental standards for certain land uses be and hereby is amended as follows:

Section 17-607. Supplemental standards for certain land uses

ADD:
Convenience store.

In the A-2, and RV zoning districts:

- (1) Building shall be limited to no more than four thousand (4,000) square feet, and
- (2) Customer seating shall comprise no more than twenty (20%) percent of the convenience store square footage.

All other supplemental standards are re-affirmed

That Table 17-606. Land use and zoning table be amended as follows:

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply	Table 17-606. Land Use and Zoning Table																					
	A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PMF	P	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	PID	S-1
Convenience store		SU*	P*								P	P	SU		P	P	P	P	P	P	P	

For convenience store in the A-2 zoning district, add an asterisk after the SU – will read SU* (Special use with supplemental standards).

For convenience store in the RV zoning district, add an asterisk after the P -- will read P* (Permitted with supplemental standards).

This ordinance shall be effective from the 8th day of January 2020.

Supervisor Trumbo stated he has concerns with Ordinance Amendment OA19-267 because trailers without wheels and axles cannot be moved later, unless the trailer is torn down or smashed. He noted the landing gear will also need to be removed because the trailer will not sit level unless the landing gear is taken off the axles. There is also the issue of mobility since a trailer is not the same as a sea container; a sea container with a Landoll is very mobile.

Supervisor Breeden asked about the difference between what is currently being done with trailers and what is proposed. Ms. Stultz indicated that currently, if someone is using a semi-trailer for storage, it is considered a motor vehicle and needs to have current license plates and be inspected. If not, it is considered an inoperable or junk vehicle. If the County does not require the wheels and axles to be removed from a trailer, it is considered a motor vehicle. If the trailer is on property under the County's inoperable vehicle ordinance or junk vehicle ordinance, it is considered an inoperable or junk vehicle and cannot remain on the property.

Supervisor Wolfe-Garrison asked if there was an allowance for one junk or inoperable vehicle. Ms. Stultz indicated there is an allowance on agricultural property, but an inoperable vehicle is not considered a storage container. Using a trailer for storage does not meet the building code for a storage container.

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 tabled Ordinance Amendment OA19-267 for further discussion.

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PUBLIC HEARING – REZONING.

At 6:13 p.m., Chairman Kyger opened the public hearing and Mr. Getz reviewed the following rezoning request:

REZ19-265 Whitesel Brothers, Inc., 1332 Garbers Church Road, Harrisonburg VA 22801 to rezone a 12.038-acre portion of a 168.08-acre parcel located on the west side of Garbers Church Road (Route 910) approximately 900' south of Erickson Avenue (Route 726) from A-2-General Agricultural to B-1C- General Business with Conditions. The property is within the urban growth boundary and is shown as Mixed Use in the Comprehensive Plan. Tax map # 107-(A)-L201. Election District 2.

Mr. Getz said he spoke with David Gray in the City public utilities department due to a concern about how much water usage the expansion will require. Mr. Gray spoke with the applicant, and the City is satisfied that the increase in water usage will not be significant. The applicant has also been working with the City to rezone the corner parcel in the City limits, but the applicant indicates it should not create any issues with County rezoning request REZ19-265.

By a 5 to 0 vote on December 3, 2019, the Planning Commission recommended approval.

Supervisor Wolfe-Garrison confirmed that the expansion of the existing equipment sales includes both construction and agriculture equipment. Mr. Getz indicated by changing the zoning to B-1, construction equipment is allowed.

Jeff Germroth from Whitesel Brothers was available to answer questions.

No one spoke in opposition to this request.

Chairman Kyger closed the public hearing at 6:17 p.m.

Supervisor Wolfe-Garrison made a motion that REZ19-265 for Whitesel Brothers, Inc. be approved as presented for the 12.04-acre portion of the larger 168-acre parcel from A-2 to B-1C with the conditions and proffers provided.

Supervisor Breeden seconded the motion. Carried by a roll call 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 proffer, approved REZ19-265, Whitesel Brothers, Inc., 1332 Garbers Church Road, Harrisonburg VA 22801 to rezone a 12.038-acre portion of a 168.08-acre parcel located on the west side of Garbers Church Road (Route 910) approximately 900' south of Erickson Avenue (Route 726) from A-2-General Agricultural to B-1C- General Business with Conditions. The property is within the urban growth boundary and is shown as Mixed Use in the Comprehensive Plan. Tax map # 107-(A)-L201. Election District 2.

Proffer:

The applicant has proffered that the only use on the property will be an expansion of the existing equipment sales and service business located on the adjoining parcel.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:18 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following special use permit requests:

SUP19-245 Holtzman Properties, LLC, c/o Todd Rhea, Attorney, 92 N. Liberty Street, Harrisonburg, VA 22802 for a convenience store with gas pumps on property located on the west side of Brocks Gap Road (Route 259) approximately 900' north of Bergton Road (Route 820), Election District #1, zoned A-2. Tax parcel #11-(A)-25B.

Ms. Stultz noted with amendment OA19-256 approved earlier in the meeting, the building, if approved, would be required to meet the supplemental standards of no more than four thousand square feet, and no more than 20 percent of the square footage used for customer seating. Those supplemental standards will be made part of the special use permit, and will be binding.

Ms. Stultz noted the applicant plans to have a country-style store with chairs on the front porch, but that was not made a condition. If the Board wants it to meet that plan, conditions will be required.

Community Development received several phone calls in favor of the request, a couple concerns and one email in opposition to the request, Ms. Stultz said.

Supervisor Trumbo asked if VDOT looked at the entrance. Ms. Stultz responded that they have, and they worked with the applicant regarding what will be required.

Attorney Todd Rhea was in attendance along with Rick Koontz, Chief of Operations from Holtzman Oil Corp. Mr. Rhea indicated Holtzman serviced the former Green Valley store, less than a half mile from this site. That store became dilapidated, was condemned and closed two years ago. Mr. Holtzman negotiated with Mr. Freed, the landowner of the proposed site, because this property is level and would be a good replacement for the Green Valley store. Mr. Rhea said Route 259 is regularly traveled with a lot of poultry traffic and many citizens in the northwestern part of the County use Route 259 as a commuting corridor. Mr. Rhea noted that Route 259 has limited food, gas stations, restrooms or places to pull off. The Holtzman Corporation is committed to

providing a quality replacement facility to serve that community and the Route 259 corridor.

Mr. Rhea indicated the proposed facility is not a typical 7-Eleven. Holtzman is tailoring it to the community and it will be more of a country store to fit in with the surroundings. They heard concerns about lighting and he spoke with Mr. Koontz, who indicated Holtzman is committed to downlighting the site to minimize light pollution. Mr. Rhea noted this is not a preliminary application as they have worked with staff and all the agencies involved. All requirements and construction issues were vetted. There are a large number of signed petitions in favor of the convenience store and citizens from that area are in attendance to provide support, Mr. Rhea said.

Supervisor Trumbo understood from Mr. Rhea that the design is almost complete, and asked if the applicant is willing to proffer the design. Mr. Rhea indicated the applicant is willing to do so.

Property owner Ronnie Freed indicated there were nine businesses on Route 259 from Broadway to the West Virginia line in the 1970s. He talked with VDOT staff, who informed him that in 2017 there were, 9,300 vehicles traveling on Route 259 from Broadway each day and 5,600 vehicles traveling to or by Fulks Run. Mr. Freed believes replacing the Green Valley store will reduce some of the traffic traveling on Route 259 to get gas or milk in Broadway, and will better serve citizens in the community.

Greg Turner stated he is the eighth generation of Turners to live in the Fulks Run area. He thinks the location is a plus for employment and people in the area. It will increase taxes for local and County revenue and improve the property. It will also be a state-of-the art convenience store with accessible gas, diesel and propane. He noted this location will be accessible for trucks. Mr. Turner noted that at one time, he owned the Exxon in Broadway where Holtzman is now. He said Holtzman improved the corner and Creekside Road, and the store is a model for training employees and managers.

Mark Fink, a local logger, said he has problems getting fuel for his trucks because Mac's Superette is a dangerous place to pull out. He travels to Broadway or hauls fuel from Broadway, and stated a better location to purchase fuel is needed in that area.

Chairman Kyger asked those in the audience to raise their hand if they were in favor of the convenience store. Ten or more people were in favor.

Kim Sandum asked if down lighting would be proffered, and Mr. Rhea said it would. She also asked if Holtzman obtained input from the George Washington National Forest. Ms. Stultz noted the National Forest was notified.

Bill Coleman, an adjoining property owner, asked if the 4.127 acres was just for the building and lot, or whether that also included the septic area. Mr. Koontz responded that the septic is on a separate parcel. Mr. Coleman noted the total property is 26 acres and he is concerned because the back of the building will back up to his property; his son's lot will directly adjoin the proposed property on the north side; and his mother lives on the south side of the proposed convenience store. He noted there are six residential homes adjoining the property proposed for the convenience store. Mr. Coleman asked what the remainder of the 26 acres could be used for later. He has a right-of-way to the national forest and likes where he lives. Mr. Coleman indicated the convenience store looks like it will be nice, but he is concerned that trucks will park in a lot at the back of the store.

Ms. Cooper noted that the map with the special use permit request implies the entire parcel is subject to the special use permit, but the convenience store will only utilize four acres on the south side of the property. The convenience store will have to keep all parking within the bounds of the four-acre parcel.

Mr. Coleman has owned his property for over 20 years. He noted that Holtzman has a variety of businesses and he does not want an industrial complex in his backyard. Mr. Coleman's mother bought her property to be close to him and her grandson, Bradley, where it is quiet. He said her house sits on the edge of the property and it appears the store

will sit away from her, but he questioned if there is a setback ordinance. Ms. Stultz indicated the setback is required to be 15-feet from the property line and 35-feet from the road. Mr. Coleman asked if the gas pumps would be accessed with credit cards when the store is closed. He noted one man who spoke is looking for a place to fuel large trucks and Mr. Freed indicated 5,600 vehicles travel on Route 259 from Broadway to or by Fulks Run each day.

Mr. Coleman said there is currently a passing zone at the parcel being discussed, and asked if a turn lane will be installed. Mr. Coleman reiterated that he is concerned about any industrial businesses. He said the proposed store is attractive but there are no 7-Elevens in Broadway adjoining a residential parcel. The store will be a convenience for him and his neighbors, but his biggest fear is that the property will end up as an industrial complex and ruin homeowners' property values. If the special use permit is approved, Mr. Coleman requested that something be done on his mother's side of the property to create a sound barrier.

Ms. Stultz pointed out the property line and indicated the drainage field is outside of the property being discussed. It will adjoin some properties but not those to the back of the store. Mr. Getz identified the access points for the neighbor's homes.

Chairman Kyger suggested that the applicant consider screening the property with trees or evergreens to reduce the visual effect, as well as noise. Mr. Rhea said the applicant will provide a supplemental proffer to provide a screen.

Bradley Coleman stated his property is to the north of the proposed convenience store. He noted that, with the exception of Mr. Freed, no one that spoke in favor of the convenience store will have the store in their back yard; but he will. He indicated Mr. Freed's house is behind his, but Mr. Freed does not live there on a regular basis. Mr. Coleman said he understands the positive impact for the community, but he bought his property because he likes the rural area and the view. The store will sit between his home and his grandmother's. Mr. Coleman believes Holtzman has the right idea but it still is not what he wants next to him. Even though a new, modern entrance would be installed, motorists will continue to deal with Route 259 because the speed limit is higher in that area than it is in Fulks Run, he said.

SUP19-281 William J. Horst, 2665 W. Dry River Road, Dayton 22821 for a storage area for existing machinery and equipment shop on property located on the east side of W. Dry River Road (Route 738) approximately 1/2 mile north of Koogler Road (Route 739), Election District #4, zoned A-1. Tax Map #105-(A)-149A. Property address: 2667 W. Dry River Road.

No one spoke regarding the request.

SUP19-285 Beacon Towers, 105 Broad Street, Third Floor, Charleston, SC 29401 for a 195' telecommunications facility (with 4' lightning rod) on property located on the northeast side of Waggys Creek Road (Route 742) approximately 3/10 mile northwest of Clover Hill Road (Route 613), Election District #4, zoned A-1. Tax Map #105-(A)-80A & #104-(A)-132A. Property address: 8576 Waggys Creek Road.

Jonathan Yates from Beacon Towers said Verizon selected the location to provide decent cell coverage in the Ottobine area. He said the property is what Verizon was hoping for, because they were able to obtain all the necessary setbacks required by the County. Verizon is proposing a monopole-style facility with a 60-foot by 60-foot compound secured with a chain link fence and topped with barbed wire. Mr. Yates indicated there will be 45 to 60 days of construction time, mostly for the foundation to set. The tower can be erected in a day. Verizon will visit the tower to perform maintenance.

He noted Verizon received approval from the Federal Aviation Association (FAA) and a constructional engineer.

Mr. Yates noted that over 80 percent of all 911 calls in the United States come from a wireless device, and about 50 percent of houses have gone wireless.

No one spoke regarding the special use permit request.

SUP19-286 Soil Health Technologies, LLC, 865 Pike Church Road, Rockingham 22801 for a composting site (like use to refuse and recycling center) on property located on the south side of Pike Church Road (Route 701) approximately 3/4 mile east of Mosby Road (Route 712, Election District #2, zoned A-2. Tax Map #123-(A)-104.

Ms. Stultz noted that staff needs to determine exactly what type of compost the applicant is using.

Kenneth Martin, owner and operator of Soil Health Technologies, indicated the farm is diversified. Nine years ago, they were composting poultry on the farm. Mr. Martin and his brother-in-law, who was a dairy farmer, tried to create an extra-value product to reduce poultry manure in the Chesapeake Bay. Mr. Martin noted there is an astounding amount of organic waste going to the landfill that can be put back into the soil. They want to revitalize farms for better food production and to improve the soil structure. Mr. Martin and his brother-in-law have been receiving composting materials from the community and offer services and products back to the community to complement their vision for reducing waste, revitalizing soil and increasing the health of the environment.

Mr. Martin indicated Shenandoah Organics requested that Soil Health Technologies compost the skimmings from their chilling tanks, but the U. S. Department of Agriculture classifies meat scraps and fats as Class 4 sludge. After contacting the Department of Environmental Quality, Mr. Martin realized there were compliance issues. Mr. Martin indicated they have received requests from businesses that want to compost rather than take waste to the landfill. He said anything that grows can be composted back into nutrients to reduce waste. Mr. Martin indicated his business has no plans to expand, but is requesting a permit for 10-15 acres in case they want to expand at some point. He noted a building may need to be added for sludge and if they expand in the future, they can use a berm to run their runoff into a pond area.

Supervisor Trumbo asked Mr. Martin if their retention pond catches 100 percent of their stormwater. Mr. Martin responded that it should. He explained that the composting process sucks up water. They utilize a lot of water from the pond, and have a provision to leech out through the area in the dyke after settlement. He stated it is not a runoff but can be that way.

When Supervisor Trumbo asked if there was any type of monitoring process, Mr. Martin responded that there is not as DEQ did not see a reason for that with this process.

Ms. Stultz noted that she spoke with Lisa Perry, who was aware of this and said the applicant would have to meet the requirements for erosion and sediment, and storm water management to keep the storm water and runoff on their property. Mrs. Perry will monitor the storm water and runoff.

Supervisor Wolfe-Garrison clarified that Soil Health Technologies, Inc. had been operating as a composting farm, but accepting material from other properties expands beyond what farm composting allows. Mr. Martin confirmed that was correct. Supervisor Wolfe-Garrison asked Mr. Martin to explain more about the Class 4 sludge and other composting materials coming from other properties. Mr. Martin indicated they have been receiving growing material from Shenandoah Growers in small pots. They tumble the pots, remove the soil and take the plastic to the landfill. They also receive activated charcoal with sugar in it from Sugaright. He said activated charcoal captures all the

oxidation gases that are released and the sugar acts as an energy source, doubling the carbon potential rate of the compost. Mr. Martin said DEQ seems to be happy that Soil Health Technologies is doing this for Shenandoah Organics, who currently transports liquid to Pennsylvania. Shenandoah Organics plans to run the sludge through a scoop press and then deliver it to Soil Health Technologies.

Administrator King asked if the Sugaright material is considered a solid waste by DEQ and said, “controlling the runoff would most likely be critical.” Mr. Martin said solid waste will have to be under roof and rainwater will need to be kept from it. He said that once it is mixed into a compost recipe, it is considered compost. Mr. King noted that once sludge reaches a certain temperature for a set period of time, it is no longer considered solid waste.

Spencer Cross, an attorney from Staunton, spoke on behalf of Frank and Liz Suter, who live on 67 acres south of the proposed composting facility. The Suters are concerned about their well water since Soil Health Technologies will be composting differently than other composting facilities. They will be using real sludge and products that are more industrial than agricultural. Mr. Cross noted the applicant will be using ingredients that are not marketable, such as fat, blood and feathers that are passed through the filters in the process. His clients are concerned that the plan does not include enough details because it is not clear how the stormwater will be controlled and what the effect will be on groundwater. Mr. Cross indicated the Suters and most residents in that area have wells. While this seems like a good idea, Mr. Cross said this project might be better suited in a low-lying area surrounded by woods rather than being on the top of a hill with many homes nearby. The Suters would like the Board to look at this closely and deny the special use permit, he said.

Chairman Kyger closed the public hearing at 7:28 p.m.

Supervisor Trumbo asked the applicant for the Holtzman convenience store additional questions regarding the plan for the 20 remaining acres, whether any of that acreage was in the floodplain, and if the applicant would provide a proffer for the building design. Mr. Rhea indicated there were no plans for the remaining property, but he believes some of the property may be in the floodplain and is not usable. He noted the building design and screening on the south boundary of the property could be a condition rather than a proffer. Supervisor Trumbo asked if they would be willing to screen the north property boundary, to which Mr. Rhea indicated he thought they would be willing to do so, but noted there is already a buffer between the four acres in the request and the remaining 20 acres.

Mr. Koontz stated that Holtzman always wants to be a good neighbor, and will look at what is necessary to work with the neighbors in that area. He said Holtzman is willing to also look at a buffer on the north side.

In response to a question from Supervisor Wolfe-Garrison about Mr. Freed continuing to be the landowner and leasing the convenience store property to Holtzman, Mr. Rhea indicated Holtzman will purchase a subdivided portion. There will be a septic easement in the back of the store on property that will continue to be owned by Mr. Freed.

In response to questions from Supervisor Chandler, Mr. Koontz responded that Holtzman convenience stores usually are open 16 hours a day, but they realize people in rural areas may not be out late at night, so he believes they would be willing to look at that and be flexible. In most areas, pumps are on after the store closes because people request that. Mr. Koontz went on to say that Holtzman leases their stores to independent operators, who determine their hours based on the market conditions.

To clear up issues regarding buffering and screening, Ms. Cooper defined screening as something impenetrable, which she did not believe was achievable or practical on this

site. She said a vegetative buffer was more practical and explained that as the vegetative buffer matures, it will grow, close in and have the same effect.

Mr. Miller noted that the applicant said they “would be willing to provide” a buffer on one side and “would be willing to look at that” on the other side and “willing to look at the hours”. Mr. Miller said the language needs to be more clearly defined and unless specific language can be worked out here and now, the special use permit may need to be delayed to work out specific language.

Mr. Rhea indicated Holtzman is willing to provide a vegetative buffer along the northern and southern boundaries to the depth of the property, and willing to have a condition that the store be constructed in conformance with the plan submitted with the application. He stated he did not believe a specific condition was necessary regarding the hours of operation at this point. Mr. Miller stated that language was acceptable.

After additional discussion about the vegetative buffer and the fact that details can be worked out at the sight plan level, Mr. Rhea specified the following conditions:

1. The installation of a double-staggered row of evergreen buffers along the southern and northern boundaries of the 4.1-acre parcel, to the depth of the parcel.
2. Design and construction of the building will be in substantial conformance with the design submitted along with the special use permit.

Mr. Miller confirmed that the Board was content with there not being a specific condition regarding the restriction on the hours.

Supervisor Breeden asked if Holtzman had an idea of the percentage of semi tractor-trailer traffic versus car traffic on Route 259 in that area, because there is a big difference between a tractor-trailer imposing upon a citizen’s tranquility at their home than it is for a small car. Mr. Koontz responded that would be hard to predict. He said they will offer fuel similar to other businesses in the vicinity, but it is difficult to know which trucks will come into their convenience store and which ones will stop elsewhere. Mr. Koontz stated Mr. Holtzman has wanted to build a site with a front porch and rocking chairs for a long time, so he could guarantee it will look like a country store.

Supervisor Trumbo asked if the Board members had any concerns that he was not addressing.

Supervisor Wolfe-Garrison stated she has concerns for the people living next to the convenience store, and how they will be affected. She questioned if other locations were considered along the Route 259 corridor.

Ms. Stultz said on the condition regarding a vegetative buffer of evergreens, staff would ask that the applicant be required to maintain the evergreens.

Mr. Dyjak noted that the zoning code for convenience store parking requires that at least two tractor-trailer parking spaces be provided for a convenience store fronting on a Virginia primary highway. There was no maximum number of parking spaces required.

Supervisor Trumbo said he was comfortable to approve the special use permit with the conditions provided during the meeting, and made a motion to approve special use permit SUP19-245 with the added conditions. He asked that the applicant also make sure their site plan language complies with the County ordinance.

Ms. Stultz asked if there would be fueling for semi tractor-trailers and Mr. Rhea indicated it would be, as submitted.

Ms. Stultz noted the County would need to know because that makes a difference as to whether the special use permit is for a travel center or a convenience store.

Attorney Miller wanted to know what would make it a travel center and Ms. Stultz responded that “usually if you provide fueling for tractor-trailers, and in some cases, you provide showers and other vehicle facilities.”

Mr. Rhea stated that there would certainly not be any shower facilities and the truck fueling facilities have been on the plan since the day it was submitted. When Ms. Stultz asked if they knew what the percentage of truck fueling would be, Mr. Rhea indicated that was impossible for anyone to answer in advance.

Supervisor Trumbo rescinded his previous motion and made a motion to table SUP19-245 for Holtzman Properties, LLC. Supervisor Wolfe-Garrison seconded the motion.

Chairman Kyger said he thought that was a prudent measure to take at this point, and said there is probably expediency that needs to be taken into account. However, this allows two weeks to move through the request and address any issues before the Board meets again.

For clarification, Mr. Koontz said the reason a separate island is included for trucks is that they have bigger tanks and require a different kind of fueling pump. Holtzman already planned to locate that island on the side of the building away from the car traffic.

Carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board tabled SUP19-245, Holtzman Properties, LLC, c/o Todd Rhea, Attorney, 92 N. Liberty Street, Harrisonburg, VA 22802 for a convenience store with gas pumps on property located on the west side of Brocks Gap Road (Route 259) approximately 900' north of Bergton Road (Route 820), Election District #1, zoned A-2. Tax parcel #11-(A)-25B.

Chairman Kyger said he visited the Horst property, is very familiar with it and has no problem with the request as presented.

On behalf of Chairman Kyger, on motion by Supervisor Breedon, 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, with the following conditions, approved SUP19-281, William J. Horst, 2665 W. Dry River Road Dayton 22821 for a storage area for existing machinery and equipment shop on property located on the east side of W. Dry River Road (Route 738) approximately 1/2 mile north of Koogler Road (Route 739), Election District #4, zoned A-1. Tax Map #105-(A)-149A. Property address: 2667 W. Dry River 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. VDOT requirements shall be met, and a permit shall be obtained from VDOT to upgrade the entrance to a moderate volume commercial entrance. A copy of that permit shall be submitted to the Community Development Department prior to issuance of a building permit.
4. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and no building permits shall be issued until such time as a site plan is approved.

Chairman Kyger said he visited and studied the telecommunications facility site under special use permit request 19-285, which is in compliance with County rules and regulations regarding towers and locations, and it seems all due diligence has been performed. He asked that someone make a motion for approval on his behalf.

On behalf of Chairman Kyger, 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, with the following conditions, approved SUP19-285, Beacon Towers, 105 Broad Street, Third Floor, Charleston, SC 29401 for a 195' telecommunications facility (with 4' lightning rod) on property located on the northeast side of Waggys Creek Road (Route 742) approximately 3/10 mile northwest of Clover Hill Road (Route 613), Election District #4, zoned A-1. Tax Map #105-(A)-80A & #104-(A)-132A. Property address: 8576 Waggys Creek Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. All building code requirements shall be met.
3. Applicant shall meet all VDOT requirements regarding the entrance and the use of it for construction traffic. If improvement is required, a copy of the permit shall be submitted to the Community Development Department. If no permits are required, notification must be received by the department from VDOT. In either case, the information must be provided to Community Development prior to issuance of a building permit.
4. All Erosion & Sediment Control regulations shall be met.
5. The telecommunications tower as approved under this permit shall not exceed 199' (including the 4' lightning rod).
6. If the tree coverage is not sufficient to buffer the fenced compound from view, the area must be buffered in accordance with the County Code.
7. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.

Supervisor Wolfe-Garrison indicated she had talked with the applicant for Soil Health Technologies, LLC, and some of the surrounding landowners. There are still questions from staff concerning the drainage and how the materials will be handled. She made a motion to table SUP19-286, Soil Health Technologies, LLC, to allow staff to work out some of the details and allow an opportunity for the Board to visit the property.

Supervisor Breeden seconded the motion, 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 tabled SUP19-286, Soil Health Technologies, LLC, 865 Pike Church Road, Rockingham 22801 for a composting site (like use to refuse and recycling center) on property located on the south side of Pike Church Road (Route 701) approximately 3/4 mile east of Mosby Road (Route 712, Election District #2, zoned A-2. Tax Map #123-(A)-104.

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RECESS.

At 7:48 p.m., Chairman Kyger declared a short recess.

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RESUME MEETING.

At 7:53 p.m., Chairman Kyger called the meeting back to order and Supervisor Wolfe-Garrison read the following disclosure statement pertaining to special use permit SUP-245, Holtzman Properties, LLC, which the Board tabled:

Disclosure Statement

Pursuant to § 2.2-3112 and § 2.2-3115 of the Code of Virginia, as amended, I hereby declare that I am employed at the law firm of Clark & Bradshaw.

Clark & Bradshaw represents Holtzman Properties, LLC, the Applicant in this land-use matter currently before the Rockingham County Board of Supervisors.

The managing partners of Clark & Bradshaw have been informed of my full participation in discussions and decisions, as a member of this Board, relating to the firm’s client Holtzman Properties, LLC.

The nature of work that I provide as an employee of Clark & Bradshaw is in no way connected to or involved with the issue currently before this Board.

My employment at Clark & Bradshaw is not impacted or affected by any discussions or decisions in which I will fully participate as a member of this Board.

Accordingly, I hereby declare that I am able to fully participate in this matter, before the Board, in a fair, objective manner that best serves the public interest.

Chairman Kyger informed the Board that Supervisor Wolfe-Garrison will read that statement before any vote is taken on SUP19-245 for Holtzman Properties, LLC in the future.

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PUBLIC HEARING – INTENT TO ADOPT BUDGET AMENDMENT.

At 7:55 p.m., Chairman Kyger opened the public hearing and Mrs. Davidson reviewed the following budget amendment:

Budget amendment to authorize the expenditure of \$6,035,707 of proceeds from bonds issued by the Virginia Resources Authority for the construction and renovation of the Harrisonburg-Rockingham Community Services Board Administration and Medical Offices. The amendment also appropriates the fiscal year 2020 debt service payment on the bonds in an amount of \$174,943.

Mrs. Davidson explained this is an intent to adopt a budget amendment for \$6,035,707, and requires a public hearing since the expenditure is more than one percent of the total annual budget for fiscal year 2020. The expenditure is for the Harrisonburg-Rockingham Community Services Board capital project. Mrs. Davidson noted all the debt issuance has taken place. The County and the City split the financing for the \$12 million construction and renovation capital project. The debt service payments will be split into thirds between the County, City and Community Services Board. Approval of the appropriation will also be required, she said.

No one spoke regarding the budget amendment.

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

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call 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 Budget Amendment:

BUDGET AMENDMENT

**GENERAL FUND BUDGET
FY 2019-20**

	Adopted	Amended
Revenue:		
Local Revenue	\$ 117,446,919	\$ 117,446,919
State Revenue	\$ 17,799,152	\$ 17,799,152
Federal Revenue	\$ 911,015	\$ 911,015
Debt Proceeds	\$ 0	\$ 6,035,706
Transfer	\$ 0	\$ 0
Fund Reserve	<u>\$ 1,569,429</u>	<u>\$ 1,744,372</u>
Total Revenue	\$ 137,726,515	\$ 143,937,165
Expenditure:		
General Gov't	\$6,800,678	\$6,800,678
Judicial	\$4,595,951	\$4,595,951
Public Safety	\$31,720,583	\$31,720,583
Public Works	\$2,695,245	\$2,695,245
Human Services	\$2,585,524	\$8,621,231
Recreation	\$2,872,718	\$2,872,718
Community Dev	\$2,963,652	\$2,963,652
Other	\$1,027,492	\$1,027,492
Transfers	\$70,213,601	\$70,213,601
Debt Service	<u>\$12,251,071</u>	<u>\$12,426,014</u>
Total Expenditures	\$137,726,515	\$143,937,165

The purpose of this amendment and appropriation is to authorize the expenditure of \$6,035,707 of proceeds from bonds issued by the Virginia Resources Authority for the construction and renovation of the Harrisonburg-Rockingham Community Services Board Administration and Medical Offices. The amendment also appropriates the fiscal year 2020 debt service payment on the bonds in an amount of \$174,943.

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ADJOURNMENT.

Chairman Kyger declared the meeting adjourned at 7:58 p.m.

Chairman