

April 22, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 22, 2020, at 6:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia. The meeting was conducted in accordance with significant modifications to normal processes, due to social distancing precautions to reduce the spread of COVID-19. The meeting was broadcast online, and no more than ten citizens were allowed in the Board room at any one time.

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:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- PATRICIA D. DAVIDSON, Director of Finance
- JESSICA G. KILBY, Deputy Clerk

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

Chairman Kyger called the meeting to order at 6:03 p.m.

Supervisor Trumbo provided the invocation, and Finance Director Davidson led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

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 approved the minutes of the recessed meeting of March 25, 2020, and the minutes of the regular meeting of April 8, 2020.

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CONSIDERATION – FY 2020-2021 BUDGET, TAX RATES AND CAPITAL IMPROVEMENTS PLAN (CIP).

Chairman Kyger closed the public hearing concerning the FY 2020-2021 budget, tax rates and CIP, which had remained open since the April 8, 2020, Board meeting.

BUDGET

Mrs. Davidson reported that eleven comments were received by email and were provided to Board members for review. The comments were also added to the agenda packet on the County’s website.

Mrs. Davidson recommended the Board consider adoption of the FY 2020-2021 budget at a later date in May. She noted revised estimates were provided to the Board and indicated those estimates will most likely change again. She said the General Assembly met today, and more revisions are expected. She explained that state revenue figures for Schools and Constitutional Officers play a major role in the overall budget, and those figures remain in flux. State Code requires the governing body to approve an annual budget for educational purposes by May 15 or within 30 days of receipt of estimated state funds. Mrs. Davidson pointed out that this has been communicated with the Superintendent and Finance Director of Schools.

CAPITAL IMPROVEMENTS PLAN (CIP)

The CIP process began in the fall of 2019. The Planning Commission recommended approval of the CIP.

Mrs. Davison pointed out that adopting the CIP does not commit the Board to any particular project or funding, but is important in order to plan for future capital expenditures. The CIP is a tool for future planning, not a commitment to spend money.

On behalf of the Finance Committee, on motion by Supervisor Breeden, 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 Rockingham County Capital Improvements Plan FY2021 – FY2025.

The complete Capital Improvements Plan (CIP) FY2021 – FY2025 can be found in the “Attachments – Board of Supervisors Minutes” notebook maintained in Administration.

TAX RATES

Mrs. Davidson recommended approval of the proposed tax rates, pointing out that the rates remain unchanged from last calendar year.

On behalf of the Finance Committee, 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 tax rates commencing January 1, 2020:

TAX RATES

<u>Classification of Tax</u>	Actual 2020
Real Estate	\$0.74
Manufactured Home	0.74
Countryside Sanitary District	0.29
Personal Property	3.00
Recreational Vehicles	3.00
Machinery & Tools	2.55
Merchants Capital	0.87
Farm Machinery	0.44

Property taxes are levied for each one hundred dollars of assessed value as of January 1. Property is assessed at fair market value for all classes, except personal property vehicles, which are assessed at loan value, and merchants capital, which is based on 67% of fair market value. Tax rates are effective January 1, 2020.

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RECESS.

Chairman Kyger recessed the meeting at 6:12 p.m., for a meeting of the Smith Creek Water and Waste Authority.

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RECONVENE.

Chairman Kyger reconvened the regular meeting at 6:15 p.m.

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STAFF REPORTS.

Chairman Kyger asked for a motion of consent to adopt all staff reports and committee reports. Supervisor Chandler noted the two action items under staff reports on the agenda will be addressed separately.

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; all staff reports and committee reports on the agenda, except for the two finance action items, were adopted by consent.

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COUNTY ATTORNEY’S STAFF REPORT.

County Attorney Miller reported that staff has been working on the County’s telecommunication infrastructure ordinance. He said the General Assembly passed legislation in 2018 concerning cell towers, specifically what local governments can control through zoning actions. The legislation, in summation, implies that local governments cannot ask for a business plan, proprietary information, propagation maps, or second-guess engineering design. However, the legislation provides that a decision can be based on whether the tower could be provided by co-location, which would require a review of the above-mentioned information anyway. Staff recommends that cell tower locations in the County be permitted by right, rather than by special-use permit. Mr. Miller said that administrative review would still be required to ensure structural integrity and other standard requirements.

Chairman Kyger reported that the Virginia Association of Counties was opposed to the legislation. He said, in his opinion, if cellphone/internet providers want to be treated like a public utility, they should be regulated like a public utility. They should have to go through the State Corporation Commission, pay taxes, and follow certain guidelines for rate changes and consumer treatment like all other utility companies. He said otherwise, why should these businesses receive preferential treatment over other businesses.

Discussion ensued. County Attorney Miller indicated staff is not looking for a decision today and said the topic could be discussed further. Chairman Kyger indicated the Board would take the recommendation under advisement.

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FINANCE DIRECTOR’S STAFF REPORT.

Finance Director Davidson reported that the County requested competitive sealed bids for the construction of a paved walking trail at the Rockingham Park at the Crossroads. Staff recommended accepting the low bid from Momentum Earthworks for

\$349,634. Mrs. Davidson reminded the Board that the project is eighty percent funded by the Virginia Department of Conservation and Recreation. The remaining twenty percent is currently budgeted in the capital projects fund.

On behalf of the Finance Committee, 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 authorized staff to accept the bid from Momentum Earthworks for \$349,634, to construct a 1.05 mile, paved walking trail at Rockingham Park at the Crossroads.

Mrs. Davidson reported that the County received proposals for Solar Power Services for solar photovoltaic systems on two Rockingham County facilities. Three proposals were received; however, after review staff determined that the project would not be cost effective. Mrs. Davidson asked that the Board formally reject the proposals.

Supervisor Breeden made a motion to reject the solar power proposals, seconded by Supervisor Trumbo.

Supervisor Chandler asked if the current COVID-19 crisis played a role in the recommendation to reject the proposals at this time. Mrs. Davidson explained the issue is more about the cost of solar power options for commercial buildings. She said the County would actually pay more for electricity than it does now. Staff was hoping for a cost savings.

Administrator King said after extensive review it was determined the County would pay thirty percent more for electrical power than the current arrangement. He explained that the solar panels would not meet the peak load demand for the County buildings. He said the service might work more effectively for a private residence. Supervisor Trumbo pointed out that utility rates in this area are low, and the County is fortunate.

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 rejected the Solar Power Services proposals, as staff determined the project would not be cost effective for the County.

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CHAIR.

Chairman Kyger pointed out that staff continues to stay on top of the COVID-19 crisis. He expressed the Board’s appreciation and gratitude to staff for their extra effort during the crisis. He also reminded citizens to continue to practice social distancing.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, 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 recessed the meeting from 6:49 p.m. to 7:31 p.m., for a closed meeting pursuant to section 2.2-3711.A(1), Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and, 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 BREEDEN
SECOND: SUPERVISOR CHANDLER

RESOLUTION NO: 20-05
MEETING DATE: April 22, 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:

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ADJOURNMENT.

Chairman Kyger adjourned the meeting at 7:31 p.m.

Chairman