

May 13, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 13, 2020, at 3:00 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
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- KIRBY W. DEAN, Director of Parks & Recreation
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- BRADFORD R. R. DYJAK, Director of Planning
- STEVEN T. POWELL, Fire & Rescue Division Chief
- TAMELA S. GRAY, Deputy Clerk

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**CALL TO ORDER.**

Chairman Kyger called the meeting to order at 3:00 p.m.

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**RECESS.**

Chairman Kyger recessed the meeting from 3:01 p.m. until 3:57 p.m. to allow some Board members and staff to participate in a 3:00 p.m. unexpected conference call with the Governor’s office and the Virginia Association of Counties.

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**PLEDGE OF ALLEGIANCE  
INVOCATION.**

Chairman Kyger reconvened the meeting at 3:57 p.m.

Supervisor Breeden provided the invocation, and Supervisor Chandler led the Pledge of Allegiance.

Chairman Kyger requested that attendees applaud in appreciation for medical workers, essential employees and others who have put themselves at risk to serve their community during the COVID-19 pandemic.

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**APPROVAL OF MINUTES.**

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 approved the minutes of the reconvened meeting of April 8, 2020, and the minutes of the regular meeting of April 22, 2020.

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**COVID-19 UPDATE.**

Fire and Rescue Chief Jeremy Holloway indicated the first COVID-19 illnesses in the County were reported on March 18, 2020. That week, Fire and Rescue personnel had to determine what guidelines were accurate and which ones were the best to follow regarding personal protective equipment (PPE) and staff in the field, Chief Holloway said. He noted the guidelines changed every hour over the first couple days. There have been a limited number of staff in the fire and rescue stations, which are closed to the public. If a citizen came to the station needing help, they were treated outside. Chief Holloway said the number of people at the fire and rescue stations continues to be limited.

Chief Holloway said PPE changed almost every day for the first two weeks because Fire and Rescue had a difficult time finding proper PPE that fit. Locating the equipment needed to perform the fit testing was also difficult. Chief Holloway indicated a new fit-testing machine has been ordered that can fit Self-Contained Breathing Apparatus (SCBA) for firefighters, as well as N-95 masks. Chairman Kyger confirmed that the \$12 thousand fit-testing machine is a COVID-19 expense.

Chief Holloway said Mrs. Davidson contacted her resources in Virginia and found a good supplier of PPE. Fire and Rescue staff worked with Human Resources regarding the Health Insurance Portability and Accountability Act (HIPPA) rules and what information can be shared. When staff became overwhelmed about who was ordering different equipment, they conducted an instant action plan (similar to what is utilized during emergencies) every 24 hours. Chief Holloway noted Fire and Rescue employees had to work overtime, and some staff continue to work overtime to disinfect ambulances.

Chief Holloway indicated two Fire and Rescue personnel transported a citizen who later tested positive for COVID-19. Staff did not realize the patient had COVID-19 until after the transport. The two Fire and Rescue employees were placed in quarantine to protect them, their families and other personnel. Each patient is now treated as a COVID-patient and PPE is used on all calls, Chief Holloway said. He noted the last two weeks have been calmer since protocols are not changed daily.

Chief Holloway said the County has been fortunate as the Mennonite community and others made and donated masks, and the Virginia Mennonite Retirement Community made Tyvek gowns for Fire and Rescue personnel.

Chief Holloway reported one of the challenges was the loss of volunteers. Volunteers who work in the poultry industry were asked not to volunteer. Harrisonburg Fire and Rescue lost numerous James Madison University (JMU) volunteers; 90 percent of their volunteers are from JMU. There was a plan to move ambulances to different stations to cover all the areas in the County, if necessary.

Chief Holloway said the training class format has changed. The Fire Academy Firefighter I class was cancelled in March, but has since resumed. Emergency Medical Services training will likely proceed via ZOOM. Since it may be difficult for people in remote areas to utilize Zoom, Chief Holloway indicated those individuals might need to use an office at the Administration Center to participate.

Chief Holloway noted Fire and Rescue personnel will assist the Courts as they open the week of May 18, 2020, by taking the temperature of people entering the building, providing masks and addressing procedural questions.

Chief Holloway expressed appreciation for the support from the Board during the pandemic.

Division Chief Steve Powell said he was tasked with day-to-day operations to ensure protocols and guidelines were in place before the providers were put on the front lines. He also indicated information changed frequently so Fire and Rescue worked with local partners and the Central Shenandoah EMS Council to develop protocols and make sure everyone was on the same page before implementing procedures. Division Chief Powell said everyone stepped up to the plate and the PPE guidelines worked, as providers were not infected as they dealt with COVID-19 patients.

Division Chief Powell noted there is concern because people are afraid to go to the hospital or doctor, and the Department has responded to more cardiac arrest and stroke calls recently. He reported that Fire and Rescue personnel are connecting with citizens through community outreach programs, and he contacted nursing homes early on to provide them with guidelines and PPE, if needed. He said there have only been three or four COVID-19 cases in nursing homes in the County.

Fire and Rescue staff also worked with Department of Corrections facilities and attempted to put guidelines in place. Overall, this went well and Fire and Rescue personnel were pleased with the field personnel stepping up.

Supervisor Breeden asked Division Chief Powell to express the Board's appreciation to other Fire and Rescue staff.

Division Chief Powell expressed appreciation to Fire and Rescue and Administration staff for their support and help in obtaining necessary items to help responders feel safer on the front lines.

Division Chief Powell noted PPE is ordered based on the seasonal flu, not a pandemic. Chairman Kyger anticipates the COVID-19 virus will be a continual endemic disease, but not at the current level. This will require more PPE on an annual basis. He asked Division Chief Powell to look into storage for PPE equipment and determine if a humidity system or HVAC system with controls is needed for PPE storage, and noted now is the time to work on that type of capital improvement to be better prepared in the future.

Chairman Kyger recommended that after each critical call, fire fighters critique the call, consider what went right or wrong, and what could be done different in the future.

Chief Holloway noted Fire and Rescue, with the help of 17 guardsmen, will provide drive-thru and walk-up COVID-19 testing at Covenant Presbyterian Church on May 15, 2020 from 2:30-7:30 p.m. for 400 citizens. Chief Holloway stated that Dr. Laura Kornegay has been a tremendous help in providing guidance.

Chief Holloway expressed concern that the number of affected and active cases are provided, but not the number of survivors. Citizens who have recovered and returned to work are still included in the total number of cases, he said.

Chairman Kyger would also like to see the total number affected, active cases and cleared cases to determine if the curve is flattening and to make the community more comfortable.

Chairman Kyger said the County and City have been actively involved in a partnership with Sentara RMH; this has not been a jurisdictional battle. He noted it is impressive how people have communicated and worked together.

Administrator King stated that every time there has been a crisis, he has been reassured by Chief Holloway and other Fire and Rescue staff. He said that he could not be any more confident with the County's Fire and Rescue team. Their work has been top notch with a high level of professionalism and extreme care; their calm is a reflection of their assessment of the situation, Administrator King said.

Chairman Kyger noted Harrisonburg is the manufacturing center of the Shenandoah Valley, with many commuters traveling in and out of the city each day. Even though the County and City experienced high coronavirus numbers, the Fire and Rescue personnel managed the numbers extremely well.

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**CONSIDERATION – RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF ROCKINGHAM COUNTY, VIRGINIA, OF ITS SENIOR LIVING RESIDENTIAL RENTAL HOUSING REVENUE BONDS AS A CONDUIT ISSUER ON BEHALF OF WHITEHALL SENIOR LIVING, LLC AND AFFILIATES.**

The County’s Bond Counsel, Daniel Lauro from BotkinRose PLC, reported that the Economic Development Authority (EDA) held a public hearing earlier in the day regarding the EDA issuing Senior Living Residential Rental Housing Revenue Bonds on behalf of Whitehall Senior Living, LLC. Following the public hearing, the EDA approved a Resolution to issue an up to \$21 million tax exempt bond financing on behalf of Whitehall Senior Living, LLC and Affiliates for the Retreat at Preston Lakes, an 84-unit senior living facility to be built on Lawyer Road (Route 655). Mr. Lauro informed the Board that the County and EDA are not financially responsible; the borrower is simply allowed to borrow money through the EDA. The benefit to the EDA is that the borrower will pay a \$4 thousand application fee and an annual fee to the EDA.

Supervisor Chandler noted there is a community in the County named The Reserve at Stone Port and an assisted living facility named Bellaire at Stone Port, which are in close proximity to the proposed senior living facility. He suggested Whitehall Senior Living, LLC consider changing the name of their senior living facility to eliminate confusion. Mr. Lauro said he would provide that suggestion to their counsel.

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 Resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA, APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF ROCKINGHAM COUNTY, VIRGINIA, OF ITS SENIOR LIVING RESIDENTIAL RENTAL HOUSING REVENUE BONDS AS A CONDUIT ISSUER ON BEHALF OF WHITEHALL SENIOR LIVING, LLC AND AFFILIATES**

WHEREAS, the Board of Supervisors of Rockingham County, Virginia (the “Board”), has been advised that on May 13, 2020, the Economic Development Authority of Rockingham County, Virginia (the “Issuer”), pursuant to its authority under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), heard and approved the request of Whitehall Senior Living, LLC, a South Carolina limited liability company (“Whitehall”), whose address is 1124 Park West Boulevard, Suite 101, Mount Pleasant, South Carolina 29466, for the issuance by the Issuer of its Senior Living Residential Rental Housing Revenue Bonds (The Retreat at Preston Lake Project), in one or more series, in an aggregate principal amount not to exceed \$21,000,000 (the “Bonds”), the proceeds of which would be loaned to Harrisonburg AL, LLC, a Virginia limited liability company, and Retreat at Preston Lake, LLC, a Virginia limited liability company (collectively, the “Borrowers”), each of which is an affiliate of Whitehall, to be used, together with other funds of the Borrowers, to (i) finance the acquisition, construction, development, furnishing and equipping of an approximately 84-unit senior living facility to be located on approximately 7.011 acres of land located in Rockingham County, Virginia, at 371 Boyers Road, Harrisonburg (Rockingham County), Virginia 22801 (collectively, the “Project”); (ii) fund capitalized interest on the Bonds during the construction of the Project and for a limited period thereafter; (iii) fund one or more reserve funds for the Bonds, if deemed necessary or

desirable; and (iv) pay certain costs of issuing the Bonds (collectively, the “Plan of Finance”);

WHEREAS, the Board has been advised that the Borrowers have (a) represented that the Project will be established and maintained as a “qualified residential rental project” within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”), in which at least 20% of the residential units will be occupied by individuals whose incomes do not exceed 50% of the area median gross income (as such area median is determined by the United States Department of Housing and Urban Development), (b) represented that because there is no housing authority established by Rockingham County (the “County”), the Issuer has the authority pursuant to the Act to issue the Bonds and finance multi-family residences, which constitute “authority facilities” as defined in the Act, and (c) described the benefits to the County to be derived from the Project and the Plan of Finance by promoting safe and affordable housing in the County and benefiting thereby the safety, health, welfare and prosperity of the inhabitants of the County and the Commonwealth of Virginia;

WHEREAS, the Board has been advised that the Issuer held a public hearing with respect to the Project and the Bonds in accordance with Section 147(f) of the Code and Section 15.2-4906 of the Act, at its meeting on May 13, 2020, and that after such hearing the Issuer adopted a resolution to issue the Bonds and proceed with the Plan of Finance;

WHEREAS, the Issuer issues its bonds on behalf of the County, the Project to be financed with the proceeds of the Bonds is located in the County, and the members of the Board constitute the applicable elected representatives of the County within the meaning of Section 147(f) of the Code;

WHEREAS, Section 147(f) of the Code provides that the governmental unit issuing private activity bonds and the applicable elected representatives of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located, shall approve the issuance of such bonds;

WHEREAS, the Issuer has filed with the Board a copy of the Issuer’s resolution approving the issuance of the Bonds, a reasonably detailed summary of the comments expressed at the Issuer’s public hearing with respect to the Bonds as required by Section 15.2-4906 of the Act, and a fiscal impact statement in the form prescribed by Section 15.2-4907 of the Act, together with the Issuer’s recommendation (in the aforesaid resolution) that the Board approve the issuance of the Bonds; and

WHEREAS, Section 15.2-4906C of the Act provides that the Board shall, within sixty (60) calendar days from the public hearing with respect to the issuance of bonds of the Issuer, either approve or disapprove of the issuance of such bonds.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:**

1. The foregoing recitals are hereby incorporated in, and deemed a part of, this Resolution.
2. The Board approves the issuance of the Bonds by the Issuer to assist in the Plan of Finance for the benefit of the Borrowers, to the extent required by the Code and the Act.
3. The Board’s approval of the issuance of the Bonds, as required by the Code and the Act, does not constitute an endorsement to any prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrowers and, as required by the Act, the Bonds shall provide that neither the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Issuer, shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor by the Borrowers and that neither the faith and credit nor the taxing power of the Commonwealth of Virginia or the County shall be pledged thereto. The Issuer has no taxing power.

4. This Resolution shall take effect immediately upon its adoption.

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The undersigned hereby certifies that the foregoing is a true, correct, and complete copy of a Resolution adopted by an affirmative vote of a quorum of the members of the Board of Supervisors of Rockingham County, Virginia, at a meeting duly called and held on May 13, 2020, and that such Resolution is in full force and effect on the date hereof.

Dated: May 13, 2020

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**CONSIDERATION – REFUND OF OVERPAYMENT OF TAXES – SENTARA RMH MEDICAL CENTER.**

Administrator King noted that due to a clerical error, the Commissioner of the Revenue’s Office inadvertently sent a 2019 real estate tax bill to Sentara RMH for a tax exempt property in Bridgewater. Since Sentara RMH paid the bill, the Commissioner requested that the Board authorize a refund to Sentara RMH in the amount of \$26,540.27, including interest.

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 a refund to Sentara RMH in the amount of \$26,540.27 for an overpayment of 2019 taxes on a tax exempt parcel.

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**STAFF REPORTS.**

Chairman Kyger indicated the staff reports on the agenda are for informational purposes, with the exception of specific action items.

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**ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.**

Mr. Armstrong reviewed a policy, which could allow restaurants in the County to offer outdoor seating at fifty (50) percent of normal occupancy, as outlined in Governor Northam’s Executive Order #61, Section A.2. He said this is a way for restaurants to efficiently return to business. Mr. Armstrong said if the Board was in agreement, he would like to place the policy on the County website as soon as possible.

Following discussion regarding how long the policy should be in effect and revoking the policy if eating establishments do not adhere to it, Administrator King said the policy should be in effect until the restaurant can resume their full occupancy. At that time, outside seating will not be permitted, unless the County determines otherwise.

Mr. Armstrong noted Deputy Zoning Administrator Kelly Getz will visit each restaurant to review the policy. Chairman Kyger suggested that Mr. Getz inform the restaurants that they will need to supply appropriate PPE for employees. If necessary, the Fire Marshal can intervene to ensure safety, he said.

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 following policy:

## Outdoor Dining Policy

On May 9, 2020, Governor Northam issued Executive Order #61 concerning phase one for the easing of certain restrictions, on a temporary basis, due to novel coronavirus (COVID-19).

Section A.2 of that order allows restaurant and beverage establishments to offer outdoor seating at fifty (50) percent of normal occupancy.

If parking areas are used to accommodate outdoor seating, Rockingham County is temporarily waiving minimum parking requirements for existing businesses. Fire lanes and paths for vehicle travel shall remain open and be clearly separated from seating areas by the use of traffic cones, ropes, or other methods of demarcation. No parking shall be permitted on state roads and shoulders. This policy will remain in effect until these businesses are permitted to resume full occupancy.

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### **FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson's staff report dated May 13, 2020. Mrs. Davidson indicated proposals were solicited from qualified firms for the general reassessment of real property, effective January 1, 2022. Four responses were received, interviews were conducted, and the review committee requested that the Board authorize Pearson's Appraisal Service to perform the general reassessment of real property, effective January 1, 2022, at a cost of \$15.90 per parcel for an estimated total cost of \$766,968.30. Mrs. Davidson noted Pearson's Appraisal Service may be able to start the reassessment by June 1, 2020.

On behalf of the Finance Committee, Supervisor Breeden made a motion to authorize Pearson's Appraisal Service to perform the general reassessment of real property at an estimated total cost of \$766,968.30. Supervisor Chandler seconded the motion.

Supervisor Trumbo asked if the County has historical data regarding the cost to conduct the reassessment in-house. Mrs. Davidson noted an in-house reassessment typically costs \$500 thousand. Pearson's Appraisal will take photos of all properties to upload into the County's system and will obtain accurate data so the County can be as close to 99/100 percent accuracy as possible.

Chairman Kyger said an accurate appraisal is also important for towns in the County that charge real estate tax, because their tax rates are set based on the County's appraised real value of the property. Chairman Kyger noted that the County performs a reassessment every four years, but some localities conduct a reassessment annually or bi-annually. The County may want to consider whether to continue on the current schedule or move to a more efficient updated model. Administrator King stated County staff will also review the reassessment over the next couple years to consider whether to return to conducting the reassessment in-house.

Mrs. Davidson noted Pearson's Appraisal Service has a commercial team to work with industries in the County to make sure their real estate is valued properly.

In response to questions from Supervisor Wolfe-Garrison, Mrs. Davidson confirmed the reassessment process could start as soon as the Board authorizes staff to award the bid to the appraiser, with the implementation effective on the June 1, 2022 tax bills. Mrs. Davidson indicated Pearson's Appraisal Service will start with a sales analysis in June. Their staff will travel on foot, knock on doors, and may ask residents questions regarding additions to their homes and finished basements. The assessors will take photographs, but will not be forceful or enter homes. Mrs. Davidson said Pearson's Appraisal Service expressed no hesitation due to the coronavirus, because the assessors will not enter homes.

Administrator King confirmed for Supervisor Chandler that the public will be notified of the upcoming reassessment, and Pearson’s Appraisal Service’s staff will provide identification to homeowners.

Chairman Kyger stated the question was called for. 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 enter an agreement with Pearson’s Appraisal Service to perform the general reassessment of real property effective January 1, 2022, at a cost of \$15.90 per parcel, for an estimated total cost of \$766,968.30.

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Mrs. Davidson informed the Board that she received a letter from Secretary of Finance Aubrey Layne regarding the local allocation for Federal Care Coronavirus Funds. The County’s allocation, which is based on a population of 80 thousand plus, is \$7.2 million. The State plans to release half of the funds by June 1, 2020, but they are requesting a certification that the funds will be spent in accordance with the law. Mrs. Davidson noted that she attends weekly finance meeting sessions with Virginia Polytechnic Institute, in which there has been discussion regarding what the funds can be used for. The group is petitioning Congress to use the money on possible revenue losses.

Mrs. Davidson requested permission to certify that the County will accept the funds, with the knowledge that the County has until December 31, 2020 to use the funds appropriately. She will work with Chairman Kyger, Administrator King, Chief Holloway and other staff to ensure the funds are used as intended.

Chairman Kyger indicated the money must be used for COVID-related expenses. The County needs to work with towns in the County, and be judicious and responsible with the funds. He said all of the local allocation for Federal Care Coronavirus Funds does not have to be spent.

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 Mrs. Davidson to sign a certification that the County will accept the local allocation for Federal Care Coronavirus Funds and utilize the allocation as intended.

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**COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Ms. Cooper’s staff report dated May 13, 2020.

Ms. Cooper indicated staff would like authorization to draft an ordinance amending Section 17-706 “Outdoor lighting” to clarify issues, ensure it meets dark sky requirements, and make the ordinance easier to understand.

By consensus, the Board authorized Community Development staff to draft a proposed ordinance amending Section 17-706 “Outdoor lighting”.

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During an administrative review of the Congers Creek Subdivision Phase 2 Townhomes Site Plan, staff discovered issues with Road 1 and Road 2. Congers Creek Townhomes requested a Variation of Street Form Standards for two streets within the project. Ms. Cooper noted variations to street form requirements must be granted by the Board in accordance with § 17-701, Street Form, if certain criteria is met.

Ms. Cooper provided a detailed review of the curvature radius issues with Road 1 and Road 2 on the site plan. She noted the second issue with Road 1 is the length of the dead-end street section, which is required to be no less than two hundred feet. Ms. Cooper

indicated that Road 1 measures 178 feet rather than 200 feet. Fire and Rescue reviewed the turning radii on both roads, as well as the length of the dead-end street section, and determined the changes are acceptable for their needs.

Ms. Cooper reviewed staff's analysis of the Congers Creek Subdivision Phase 2 Townhomes Site Plan. She also provided details regarding the four criteria under County Code Section 17-701.07 Authorizing Variations, that need to be met in order for the Board to approve the variations.

Supervisor Chandler noted VDOT is in agreement with aligning the intersections, recognizing that VDOT standards do not permit offset intersections, and Fire and Rescue is also satisfied with Congers Creek Townhomes' requested Variation of Street Form Standards.

On motion by Supervisor Chandler, 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 granted the Variation of Street Form Standards as requested by Congers Creek Townhomes.

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Ms. Cooper indicated VDOT recommended a US 33 Arterial Management Plan at no cost to the County. An arterial management plan will help guide County staff and the development community in decision-making that will lead to safer access while minimizing congestion. It will also assist with planning and design for future levels of access, future development in the corridor and improve the County's position when applying for Smart Scale, Revenue Sharing or other transportation grants.

The key to the plan is identifying ways to maintain the movement of people and goods safely, while reserving the capacity. Ms. Cooper explained that necessitates holding widening to a minimum, reducing or modifying existing traffic lights and avoiding future traffic lights.

Ms. Cooper noted staff met with VDOT staff to evaluate which section of Route 33 should be made part of the study. She provided the Board with staff's recommendation for the study area from the eastern side of the County/City line to Elkton U.S. Route 33 Business. Ms. Cooper informed the Board that suggested intersections can be modified.

Ms. Cooper indicated VDOT has approximately \$300 thousand available. While this is not a \$300 thousand project, Ms. Cooper stated if a Resolution is sent to the VDOT central office soon, more money may be accessible to the County. If the Board is interested in pursuing a US 33 Arterial Management Plan, Ms. Cooper said she will prepare a Resolution of Support for the Board's approval.

Supervisor Breeden asked if the study could extend to the Spotswood Trail (Route 33) and East Side Highway (Route 340) intersection instead of ending at the Business Route 33 connection. Ms. Cooper stated that could be accommodated, and indicated the points of study will not be listed in the Resolution of Support. Staff want the Board involved in the final decision regarding the segments and intersections identified for the consultant to study.

By consensus, the Board authorized Ms. Cooper to draft a Resolution of Support for a US 33 Arterial Management Plan for the Board's review and approval at the May 27, 2020 Board Meeting.

Supervisor Chandler asked if citizens will have an opportunity to provide input on the US 33 Arterial Management Plan. Ms. Cooper said there will be stakeholder interviews as well as an advisory committee, but VDOT will provide the needed areas of expertise.

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Administrator King asked for an update on the Public Hearing schedule.

Ms. Cooper indicated the Planning Commission did not meet in April or May, but plans to meet on June 2, 2020. In order to maintain the social distancing guideline of 10 or fewer citizens in attendance at one time, Mr. Dyjak will evaluate the requests and determine which ones will have less impact. Based on the feedback received until that time, he will determine what span of time should be allocated for each request. The allotted times will be noted on the agenda for each public hearing that evening. Someone will be at the door to count the number of people in the room during each public hearing request.

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Ms. Cooper stated the Community Development department has been functioning with a core group of employees in the office on a daily basis. The group has built a strong team, and has performed an outstanding job. Community Development staff plans to look at the efficiencies gained and continue using those efficiencies.

Chairman Kyger asked Administrator King to invite Don Komara to the May 27, 2020 meeting. He noted some supervisors have road issues they would like to discuss with Mr. Komara.

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**PARKS & RECREATION DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mr. Dean’s staff report dated May 1, 2020.

Mr. Dean said he wanted to make sure the Board is comfortable with the way Parks and Recreation intends to approach the re-entry process as it relates to the three phases provided by Governor Northam.

Mr. Dean said he would like to offer softball, baseball, and possibly soccer practices at the Rockingham Park at the Crossroads in the next week, with less than 10 individuals in each group. He noted the overview provided to the Board contains a detailed page of expectations placed on the teams. Practices must be optional; coaches cannot make a player participate if they or their family are not comfortable. The coaches will confirm the catchers’ masks and other equipment are cleaned. He noted there will be County staff at the park for each practice or game, from start to finish.

Supervisor Wolfe-Garrison asked if the County, as the owner of the park, is obligated to enforce less than 10 people on the field at a time, or who should enforce that. Mr. Dean indicated he does not think outdoor activities fall under the Governor’s Order. Chairman Kyger said coaches will use good common sense about maintaining social distancing, within reason. He told Mr. Dean that park staff need to let the coach and/or players know if they are doing something out of line or not adhering to the Governor’s Order.

Mr. Dean said he has a previous relationship with all the coaches and they realize what his expectation is. If the rules are not followed, the coaches know they will not be able to practice at the park.

Unless the regulations under Phase 2 of Governor Northam’s Order change, there will only be practices, no games, at the Park at the Crossroads until Phase 3.

Mr. Dean stated parents will not be allowed to attend the practices or games. They will need to drop their children off in a particular parking lot and wait for them or pick them up in that parking lot. The only people on the field will be the players, coaches and County referees. If the rules are not followed, the County will stop practices at the park.

In response to a statement about equipment and restrooms, Mr. Dean stated there will be sanitizer at two separate places for the players to use before practice and after practice. There will be a limit of two or three individuals in the bathroom at one time.

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Since many summer programs have been cancelled, Mr. Dean would like to start moving forward with a summer program. If the Board agrees, registration will open June 1, 2020, and the program will start July 6, 2020. The activities will begin as a Phase 1 program, even if the State is in Phase 2 at that time. School staff will provide multiple classrooms. There will be a leader and a maximum of nine children in a classroom. There will be two additional floating leaders to assist in the classes and provide breaks. If it appears this will not work, or it will not be safe, the program will be cancelled, Mr. Dean said. Chairman Kyger stated it is better to try and fail, than not try.

Mr. Dean asked the Board members to let him know of any concerns.

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**COMMITTEE REPORTS.**

AIRPORT

Chairman Kyger indicated the Airport Commission will meet May 14, 2020, to discuss federal funding they received and the current status of flights.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger noted the VACo Board of Directors will conduct a virtual meeting on May 15, 2020, and the National Association of Counties Board of Directors will meet May 14, 2020.

CHAIRMAN

With the Cares Act Fund Allocation that will be received, Chairman Kyger said he would like to appoint two special committees for Board members to work with staff to determine the best way the County can utilize the funds reasonably and responsibly to help local businesses and organizations. He appointed Supervisors Chandler and Wolfe-Garrison to work with charitable organizations outside of Fire and Rescue, to determine how the Cares Act Fund Allocation can be utilized to help County organizations with their COVID-19 work.

Chairman Kyger appointed Supervisors Breeden and Trumbo to determine how County businesses can be assisted with some of the funds, where it is reasonable to do so. He suggested following Mrs. Davidson’s guidelines once she determines what the money can be used for. He asked the supervisors to be responsible with the money, but reiterated that just because the money is available, it does not have to be spent That will leave more funds for Administrator King to work with the towns and their agencies, because a business in one of the towns is also a business in the County. When looking at the business community, the special committee will need to include town businesses.

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**COMMITTEE APPOINTMENTS.**

On motion by Supervisor Chandler, 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 appointed Brent Trumbo to serve on the Central Shenandoah Planning District Commission for a term to expire June 30, 2023.

On motion by Supervisor Wolfe-Garrison, 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 appointed Deborah Bullis as a member at large to the Community Services Board for a term to expire June 30, 2023.

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