

January 13, 2021

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 13, 2021, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The meeting was open to the public at reduced capacity and broadcast online, to reduce the spread of COVID-19.

The following members were present:

- DEWEY L. RITCHIE, 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 (not in attendance)
- ANN MARIE FREEMAN, Director of Court Services (not in attendance)
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources (not in attendance)
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Zoning Administrator
- S. FRANK SOTTACETI, Criminal Justice Planner/Crime Analyst
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator  
Virginia Department of Transportation

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

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

Supervisor Wolfe-Garrison provided the Invocation and Assistant County Administrator Armstrong led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the December 9, 2020 meeting.

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**2021 REORGANIZATION OF THE BOARD.**

**ELECTION OF CHAIR AND VICE CHAIR.**

Supervisor Kyger stated it was his honor and privilege to nominate Rick Chandler from Election District 3 as Chair and Sallie Wolfe-Garrison from Election District 2 as Vice-Chair.

On motion by Supervisor Kyger and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board elected Rick L. Chandler as Chair for 2021 and Sallie Wolfe-Garrison as Vice-Chair for 2021.

Administrator King turned the meeting over to Chair Chandler.

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**RECOGNITION – RETIREMENT OF LIEUTENANT KAREN WILL.**

Fire and Rescue Chief Holloway recognized Lieutenant Karen Will on her January 1, 2021 retirement, with 41 years of service in the fire and rescue department. He stated Lieutenant Will began her Fire and Rescue career as the first female volunteer in the Bridgewater Volunteer Fire Department (BVFD) in 1980. While serving the Volunteer Fire Department, she held many different roles and rose to the rank of Volunteer Fire Chief with the BVFD. Chief Holloway believes Lieutenant Will was the first female Chief in the County.

Lieutenant Will started working part-time with the County Fire and Rescue Department in 1997, working in stations as an Advanced List Support (ALS) and Emergency Medical Services (EMS) provider, as well as a fire fighter and operator. She also served as a public education officer, filling in at fire stations, and assisting with public education events. In 2004, Lieutenant Will started working full time as the Public Education Officer.

Chief Holloway noted that by working with the County, Lieutenant Will touched many different lives and enhanced the school programs by providing fire prevention and life safety programs throughout Rockingham County, as well as training high school students on college safety. Lieutenant Will served on the Honor Guard, provided programs to senior citizens, as well as stop, drop and roll and fire alarm safety programs.

Chief Holloway presented Lieutenant Will with her fire helmet and stated she would truly be missed.

Chair Chandler provided Lieutenant Will a fire ax with engraved plaque. He stated she also taught safety to the Town of Dayton employees, and other government offices.

Lieutenant Will said she loved her job and said the Rockingham County Fire and Rescue staff is a family. She thanked her immediate family and her Fire and Rescue family for their assistance to help her advance so far in her career.

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**SETTING OF DAY AND TIME OF REGULAR MEETINGS.**

Chair Chandler indicated that during 2021, the Board will meet on the second Wednesday of each month at 3:00 p.m., and the fourth Wednesday of each month at 6:00 p.m., with the exception of one meeting in November and December, on November 17, 2021, at 3:00 p.m. and December 8, 2021, at 3:00 p.m.

If a meeting cannot be held due to inclement weather or for any reason as determined by the Chair, or the Vice-Chair if the Chair 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 2021 Chair's Committee appointments:

**BOARD OF SUPERVISORS  
2021 Chair's Committee Appointments**

**BOARD COMMITTEES:**

**BUILDINGS AND GROUNDS**

Michael Breeden  
William Kyger

**FINANCE**

William Kyger  
Rick Chandler

**PUBLIC WORKS**

Sallie Wolfe-Garrison  
Dewey Ritchie

**PERSONNEL COMMITTEE**

Rick Chandler  
Sallie Wolfe-Garrison

**LIAISON COMMITTEES:**

**CITY-COUNTY LIAISON**

William Kyger  
Sallie Wolfe-Garrison

**AUGUSTA/ROCKINGHAM  
LIAISON COMMITTEE**

Rick Chandler  
William Kyger

**SCHOOL BOARD LIAISON**

Rick Chandler  
Sallie Wolfe-Garrison

**TOWNS/COUNTY LIAISON**

Rick Chandler  
Town's Board Member

**JMU LIAISON**

Sallie Wolfe-Garrison  
William Kyger

**SENTARA-RMH LIAISON**

Rick Chandler  
William Kyger

**OTHER COMMITTEES:**

**CENTRAL SHENANDOAH PLANNING  
DISTRICT COMMISSION**

Dewey Ritchie  
Rhonda Cooper

**TECHNOLOGY COMMITTEE**

Michael Breeden  
Dewey Ritchie

**SOCIAL SERVICES ADVISORY BOARD**

Michael Breeden

**MASSANUTTEN REGIONAL LIBRARY**

Sallie Wolfe-Garrison

**CHAMBER OF COMMERCE**

Dewey Ritchie

**RELATED LANDS (Federal)**

Michael Breeden  
Rhonda Cooper

**COMMUNITY CRIMINAL  
JUSTICE BOARD**

Rick Chandler  
County Administrator

**WORK FORCE INVESTMENT BOARD**

Dewey Ritchie  
Casey Armstrong, alternate

**VACO BOARD**

William Kyger

**METROPOLITAN PLANNING ORGANIZATION**

Sallie Wolfe-Garrison  
Stephen King  
Casey Armstrong

Alternates  
Rhonda Cooper  
Bradford Dyjak

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**UPDATE ON CRIMINAL JUSTICE EFFORTS – S. FRANK SOTTACETI, CRIMINAL JUSTICE PLANNER/CRIME ANALYST.**

Criminal Justice Planner/Crime Analyst S. Frank Sottaceti said he began working for Court Services in March of 2020 and began gathering data in April. He now regularly receives data for the Middle River Regional Jail (MRRJ) partners.

Mr. Sottaceti indicated the Commonwealth Attorney's Office started utilizing KARPEL software in December, which will improve access for him to receive and analyze data prior to incarceration, including information from correction facilities. Mr. Sottaceti can begin obtaining judicial information that will indicate who was incarcerated and the reason for incarceration, along with information on pre-sentencing, pre-trial, probation, and recidivism. He noted criminal justice data lags years behind, so he is dependent on other data sources. Mr. Sottaceti will soon be able to obtain law enforcement information from towns in the County and James Madison University (JMU).

Mr. Sottaceti noted the average daily population (ADP) in the Rockingham-Harrisonburg Regional Jail (RHRJ) was 339 on January 12, 2021. MRRJ's low population was 713 in July 2020, with a high of 931 in November 2020, and there are currently 848 inmates. Middle River can safely house 903 inmates. He noted the median population for jails in Virginia is 1.92 individual per a population of 1,000. Mr. Sottaceti reported that the incarceration rate per 1,000 people is 2.11 in the RHRJ and 1.96 at MRRJ.

Mr. Sottaceti indicated an expansion is being considered at MRRJ, but an investment in MRRJ is not as simple as increasing the capacity. Jail facilities are obligated to properly care for individuals placed in the jail, by providing a safe environment, programs and activities, education, treatment, and training.

Mr. Sottaceti reported that a Reentry Coordinator recently hired at Harrisonburg Rockingham Social Services District (HRSSD), will assess inmates when they first enter the jail to determine what is needed for them to successfully reenter the community when they are released.

Administrator King indicated a Crisis Intervention Team (CIT) that provides in-field training to hospital staff, Community Services Board staff, and law enforcement understand mental health issues. He considers CIT training to be very helpful in making law enforcement more aware of mental issues and how to deal with individuals who have mental health issues.

Mr. Sottaceti noted there are over 200 people in alternative programs in Harrisonburg and Rockingham County, such as electronic home monitoring, probation, drug court, and programs through the Community Services Board, as well as other non-profit organizations. Mr. Sottaceti noted the County needs to be aware of how many inmates in the Rockingham-Harrisonburg jail system do not live in the area. If people traveling through the Valley are arrested and housed in a regional jail, the jurisdiction where they are incarcerated pays for the inmate to be there and for the programs they utilize.

*(A copy of Mr. Sottaceti's presentation is included in the "Attachments – Board of Supervisors Minutes" notebook maintained in Administration.)*

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**PUBLIC COMMENT PERIOD REGARDING THE PROPOSED MIDDLE RIVER REGIONAL JAIL EXPANSION AND MODIFICATIONS.**

Ruth Stoltzfus Jost spoke via teleconference, indicating she serves on the RHRJ Reentry Counsel, the Valley Justice Coalition, and the Criminal Justice Board Alternatives Committee Board. She requested that data be obtained and analyzed to determine how and where to divert people charged with non-violent crimes. Mrs. Jost stated many inmates with low-level, non-violent offenses should be able to work so taxpayers are not paying to house them. She also suggested good residential treatment options would eliminate having

so many people in jail. Mrs. Jost provided several recommendations to reduce the incarceration rate.

Mrs. Jost previously provided a copy of an article entitled “Prison Policy Initiative” to the Board. Chair Chandler indicated all the information in Mrs. Jost’s presentation is not applicable to the County’s situation, but it contains a lot of good information.

Massanutten Presbyterian Church Pastor Ann Pettit indicated she prepared a presentation, but Mr. Sottaceti addressed many of her concerns and affirmed her questions. She expressed appreciation to the Board for their attention to incarceration issues, and thanked Mr. Sottaceti for all his work.

Cherry Tharp, a Faith in Action member, thanked the Board for hiring the Criminal Justice Planner. She thinks the County is on the right track, but she believes there could be better ways to use the money to help the community than adding more buildings and beds.

Anna Cabbage said the Drug Court program originally received around \$400,000 and recently received twice that amount, but only 12 people have completed the program. She believes there are other options than expanding the jail. She noted a petition is circulating in opposition to the jail expansion, with 400 or more signatures. Mr. Sottaceti noted there are 56 participants in the Drug Court program but said he would follow up on the number of graduates.

Chair Chandler thanked Mr. Sottaceti for his excellent work, indicating he thinks the County is on the right track.

Supervisor Wolfe-Garrison requested that Mr. Sottaceti provide an updated report with analytic information to the Board, possibly at the beginning of the second quarter.

Chair Chandler said it may be possible for the Judges to meet with local legislators to discuss what can be done at the General Assembly level and ask the legislators to introduce the legislation.

Chair Chandler thanked the Technology staff for overseeing virtual meetings, determining a way for Mrs. Jost to speak via teleconference, and for ensuring work and meetings continue during the pandemic.

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## **TRANSPORTATION DEPARTMENT.**

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

Mr. Komara informed Supervisor Kyger that VDOT has not cut down the dead tree in the VDOT right-of-way along Waggys Creek Road (Route 742) because VDOT’s backhoe is out of service. He said the tree will be cut down by the week of January 18, 2021.

Mr. Komara reported that VDOT is working on the Mill Street storm drainage project in Dayton, noting laying pipe is a good winter job.

Mr. Komara said the project to widen Interstate 81 from exit 242 to exit 248, to three lanes in both directions, will begin in the fall of 2023.

Mr. Komara attended a meeting regarding the new bridge on Pleasant Valley Road (Route 679). He strongly recommended erecting the bridge in two-phases due to the amount of traffic on that road, in addition to three schools, a rescue squad and fire department along Pleasant Valley Road.

Maintenance items included grading non-hard surface roads, replacing pipes, snow removal and preparing for inclement weather.

Supervisor Wolfe-Garrison informed Mr. Komara that there are numerous potholes in the east and west bound lanes on Mt Clinton Pike (Route 763) just west of the City limits to Lincolnshire Drive (Route 1134). The potholes are in the east and west bound lanes. She noted there are huge ruts on Swope Road (Route 736) further east. When VDOT paves Swope Road, she requested that the paving extend as far as possible, to reduce drainage issues. In response to a question from Supervisor Wolfe-Garrison, Mr. Komara said the pipes underneath the driveways will be replaced, unless they are salvageable.

Supervisor Ritchie confirmed with Mr. Komara that VDOT is on track to replace the Brocks Gap Road (Route 259) bridge in the fall of 2021.

Supervisor Kyger said when the COVID pandemic calms, he wants to talk with VDOT about Dinkel Avenue (Route 257) from Mt Crawford Avenue (Route 1310) to South Valley Pike (Route 11). The townhouse construction project, Bridgewater Fields, is moving forward with many homes, which will increase the traffic, Supervisor Kyger said. He noted another intersection was installed close to the Sentara RMH Medical Clinic, making three intersections in a row, which will affect the traffic flow on Dinkel Avenue (Route 257), which is already busy with heavy trucks.

Supervisor Kyger expressed appreciation to Mr. Komara for the preplanning in preparation for the bridge replacement on Friedens Church Road (Route 257). He asked Mr. Komara to make sure everything is in place and the Town of Mt. Crawford is aware of the detours and parking restrictions on Lee Highway (Route 11) before traffic is diverted through Mt. Crawford.

Chair Chandler noted he has received calls from constituents regarding Port Republic Road (Route 253), heading east. He noted the road changes from four lanes traveling 45 miles per hour to two lanes going 55 miles per hour at the Boyers Road (Route 704) intersection. He asked if the speed limit could remain at 45 miles per hour to the intersection of Port Republic Road and Shen Lake Drive (Route 689). The speed can be increased to 55 miles per hour at that point, he said.

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## **COUNTY ADMINISTRATOR'S STAFF REPORT.**

As Chair of the Middle River Regional Jail (MRRJ) Board, Administrator King indicated he, Sheriff Bryan Hutcheson and Finance Director Patricia Davidson represent Rockingham County on that Board. He stated the MRRJ Board has no desire to expand the jail; and wish there were fewer inmates in the jail but want to make modifications to provide better service to the inmates who are housed there. He noted when individuals are assigned to MRRJ, it is Middle River's responsibility to properly care for those inmates. He emphasized that, when the jail is unable to care for the inmates, it is a problem.

Administrator King stated he agrees with doing everything possible to reduce the jail population but pointed out that the general population growth affects some growth in jails. He noted that to reduce the number of individuals incarcerated, the Code of Virginia and laws which dictate who is to be incarcerated, would need to be changed. There will be some exceptions, but most inmates need to be in jail, he said.

Chair Chandler indicated that was the reason he mentioned having Judges meet with local legislators to discuss what can be done at the General Assembly level.

Administrator King indicated Mr. Sottaceti is performing his research independently, so he is not stifled and is able to look at the data he desires.

Supervisor Kyger stated he is impressed by how far the MRRJ has come in the past three years, because more programs and opportunities are being provided than were available to inmates in the past.

Since MRRJ exceeded its operational capacity in November of 2020, Supervisor Wolfe-Garrison asked how that affects the jail’s responsibility for the individuals entrusted to them who exceed the maximum number of 903 inmates. Mr. King noted MRRJ has added beds where they typically would not. The jail may have to eliminate a single-cell health pod or use another area where a service was previously provided to house the inmates. Administrator King indicated the COVID situation is not a reason to increase the size of MRRJ, but it has amplified the problem since there are so many people living in close quarters. Over 500 inmates and 75 staff have tested positive with COVID, but there have not been serious cases; two inmates were hospitalized over night.

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Administrator King recommended extending the Families First Coronavirus Response Act (FFCRA) through January 31, 2021, as he anticipates the new administration will extend the Act to the end of 2021. The FFCRA provides leave for those who have COVID or are quarantined. He noted the County had 31 employees quarantined in January due to exposure to others with COVID.

Supervisor Wolfe-Garrison made a motion to extend the Families First Coronavirus Response Act through January 31, 2021, with the understanding it may be extended further, depending on Federal guidelines.

Supervisor Kyger seconded the motion, with the condition that staff review the Families First Coronavirus Response Act again before it expires. Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to extend the Families First Coronavirus Response Act through January 31, 2021, with the condition that staff review the Families First Coronavirus Response Act again before it expires.

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

The Board received and reviewed Mr. Armstrong’s staff report dated January 13, 2021.

Mr. Armstrong indicated the County was approached by Bridgewater Town Manager J. Jay Litten, who requested that the County assume the administration of the stormwater and erosion control programs (inspections and plan review program administration) for the Town of Bridgewater. Staff has reviewed the request and thinks it can be accomplished. The County will charge the same fees to the Town of Bridgewater, as they do other towns in the County. Mr. Armstrong stated Bridgewater appears to have a decrease in activity and is not able to keep a full-time employee busy.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to execute a Memorandum of Understanding with the Town of Bridgewater for the County to assume the administration of the stormwater and erosion control programs at the same fee charged to other Towns in the County.

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Ms. Cooper introduced County Engineer Ross Morland, who joined the Community Development department on December 14, 2020. Ms. Cooper indicated Mr. Morland has been a huge asset and will be involved with the Lake Shenandoah Stormwater Control Authority. Administrator King said Mr. Morland’s expertise may also be used with water and sewer issues.

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson’s staff report dated January 13, 2021.

A revised budget calendar was provided regarding finance committee meetings, which are tentatively scheduled for February 4 and 5, 2021.

Mrs. Davidson indicated the County has a vehicle replacement program to upgrade the vehicle fleet on a rotational basis. The determination to replace a vehicle is based on the age, mileage, and condition. The garage manager helps make the decisions about which vehicles to keep and replace. An Invitation to Bid (ITB) was issued for seven vehicles for use by various departments. Five bids were received, and staff recommended awarding the bid to the low bidder, Hall Automotive, in the amount of \$178,585. Mrs. Davidson requested that the Board approve the purchase of the seven vehicles and an appropriation of funds from the fund reserve.

On motion by Supervisor Kyger, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to purchase seven vehicles from Hall Automotive in the amount of \$178,585, and approved the following FY2020-2021 supplemental appropriation:

**Vehicle Replacement**

The Finance Department issued an Invitation to bid (ITB) for Vehicle Replacement for seven vehicles. The total cost to purchase the vehicles is \$178,585. The funds were originally included in the fiscal year 2021 budget but were removed pending a review of the COVID pandemic. Staff has determined that sufficient fund reserves are available to continue with the replacement program, as planned.

Supplemental Appropriation: \$178,585

\$178,585	1001-00000-15201-000-352000-000	General Fund: Fund Reserve
\$178,585	1001-09501-00000-000-various-000	General Fund: Vehicle Replacement

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Mrs. Davidson reported that four bids were received to establish a contract for the construction of the Taylor Springs detention basin. She noted staff recommends rejecting all bids, while waiting for a Federal Emergency Management Agency (FEMA) grant that may possibly be awarded to the County in February or March. Mrs. Davidson said if the grant is awarded to the County, staff will likely need to go through the Invitation to Bid process again. She noted the price may change, but this is an opportunity to receive substantial funding.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to reject the bids received for the Taylor Springs detention basin and wait for direction from staff after a response is received from FEMA.

Mr. Armstrong interjected that the \$580,000 grant would nearly cover the entire construction cost of the Taylor Springs detention basin.

Staff will place a notice on the County website indicating the detention basin bids were rejected.

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**FINANCE COMMITTEE REPORT.**

On behalf of the Finance Committee, on motion by Supervisor Kyger, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2020-2021 supplemental appropriation:

**Assistance to Firefighters Grant**

Rockingham County received \$18,182 in federal funds for the Assistance to Firefighters Grant. The grant will be used to purchase washable coveralls for COVID response.

Supplemental Appropriation: \$18,182

\$18,182 1001-00000-13900-000-333421-000 General Fund: Assistance to Firefighters Grant - COVID  
 \$18,182 1001-03201-10363-000-506065-000 General Fund: Assistance to Firefighters Grant

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On behalf of the Finance Committee, on motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2020-2021 supplemental appropriation:

**Internet Crimes Against Children**

Rockingham County received a grant in the amount of \$15,000 from the Virginia Department of Criminal Justice for the Internet Crimes Against Children Task Force.

Supplemental Appropriation: \$15,000

\$15,000 1001-00000-12404-000-324990-000 General Fund: Other State Funds  
 \$15,000 1001-03102-10310-000-506065-000 General Fund: ICAC Grant

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**Pay Off Debt on SRI Building**

On behalf of the Finance Committee, Supervisor Kyger made a motion, seconded by Supervisor Wolfe-Garrison, to approve a supplemental appropriation in the amount of \$3,215,000 to pay off the tax-exempt portion of the debt for the SRI building.

Administrator King indicated the County makes so little on investments that more will be saved in interest expense by paying off the \$3,215,000 tax-exempt portion of the debt for the SRI building.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2020-2021 supplemental appropriation:

The County issued debt in 2007 and refinanced the debt for the SRI building in 2015. The building was financed using a mix of tax-exempt and taxable bonds. The principal balance remaining on the tax-exempt portion of the debt is \$3,165,000. The principal balance remaining on the taxable portion of the debt is \$2,115,000. Staff recommended paying off the tax-exempt portion of the debt, to save the County \$150,000 in interest expenses.

Supplemental Appropriation: \$3,215,000

\$ 3,215,000 1001-00000-15201-000-352000-000 General Fund: Fund Reserve  
 \$ 3,165,000 1001-09501-00000-000-509106-000 General Fund: SRI Principal  
 \$ 50,000 1001-09501-00000-000-509206-000 General Fund: SRI Interest

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On behalf of the Finance Committee, on motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2020-2021 supplemental appropriation:

**Economic Development AFID Grant**

Smiley’s Ice Cream in Bridgewater, Virginia requested an Agriculture Forestry and Industrial Development (AFID) grant for the purpose of expanding their new business location. Over the next five years the company will invest \$1,154,268 and add eight new positions with an average starting salary of \$19,320. Smiley’s uses only locally sourced dairy products from Mt. Crawford Creamery for their current operation and 99 percent of all other goods and services that will be used for the expansion will be sourced from Virginia businesses.

Staff recommended transferring the budgeted funds from the Contingency account to the Economic Development: Other Assistance account.

Supplemental Appropriation: \$20,000

\$ 20,000 1001-09110-00000-000-505800-000 General Fund: Contingency  
\$ 20,000 1001-08102-00000-000-505899-000 Economic Development: Other Assistance

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Supervisor Kyger stated the County has discussed branding Rockingham County products, such as dairy, poultry and other agricultural products. He suggested that be considered. Administrator King or Assistant County Administrator Armstrong will investigate the possibility.

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**HUMAN RESOURCES DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Mongold’s staff report dated January 13, 2021.

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**PUBLIC WORKS DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mr. Rhodes’ staff report dated January 13, 2021.

Since submitting his staff report, the County received notice from the Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) that the County’s extra one million gallons of capacity for allocation transfer was approved and will go into effect immediately, Mr. Rhodes reported. The March Public Works Report will include the additional allocation, which will be up to 5.6 million gallons per day.

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**PUBLIC WORKS COMMITTEE REPORT.**

Bids for the Donnagail Sewer Replacement Project were opened October 9, 2020, and on October 28, 2020, the bid was awarded to the low bidder, Commonwealth Excavating. Mr. Rhodes reported that after being awarded the bid, a representative from Commonwealth Excavating requested that they be released from the award because

significant costs were omitted from their bid, and they would not be able to complete the work for the amount awarded.

Mr. Rhodes spoke with the second lowest bidder, Bradford Morris General Excavating, who will honor their bid of \$69,348. Staff recommended approval of the bid from Bradford Morris General Excavating.

On behalf of the Public Works Committee, on motion by Supervisor Ritchie, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to release Commonwealth Excavating from the Donnagail Sewer Replacement Project bid and accept the bid from Bradford Morris General Excavating in the amount of \$69,348.

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Mr. Rhodes reported three bids were received for the Montevideo Pump Station Upgrade Project. The upgrade consists of construction of a new booster station building and associated pumps, piping, and controls to replace the station built in 1988. Staff requested awarding the bid to the low bidder, Littleton & Associates, Inc., in the amount of \$1,185,000.

On behalf of the Public Works Committee, on motion by Supervisor Ritchie, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to award the Montevideo Pump Station Upgrade Project to Littleton & Associates, Inc., in the amount of \$1,185,000.

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Mr. Rhodes noted three bids were received for the Elevator Preventative Maintenance and Service for the County’s elevators and chair lifts. Staff requested approval of the Oracle Elevator bid at an annual fee of \$18,720, with a regular labor rate of \$200 per hour and an overtime rate of \$300 per hour.

On behalf of the Public Works Committee, on motion by Supervisor Wolfe-Garrison, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to award the Elevator Preventative Maintenance and Service bid to Oracle Elevator at an annual fee of \$18,720, with a regular labor rate of \$200 per hour and an overtime rate of \$300 per hour.

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

The Board received and reviewed Ms. Cooper’s staff report dated January 13, 2021.

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**TECHNOLOGY DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Perry’s staff report dated January 2021.

In response to a previous question from Supervisor Wolfe-Garrison regarding Community Development software, Mrs. Perry said since there is a misunderstanding, Technology will prepare a report explaining the software.

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**FIRE AND RESCUE CHIEF’S STAFF REPORT.**

The Board received and reviewed Chief Holloway’s staff report for January 2021. He reported that Fire and Rescue received a 50/50 rescue squad assistance grant for heart monitors. He noted the 50 percent match was budgeted. It will save Fire and Rescue approximately \$174,000 over the next two years and allow the replacement of heart monitors on ambulances.

Chief Holloway reported the scheduling of appointments to receive the COVID vaccine has been moved to a computer system, which requires Fire and Rescue to send emails for people so they can register to receive the vaccine, which will be administered by the Virginia Department of Health (VDH) nurses and paramedics. The administration of the vaccine will be moved to the Rockingham County Fairgrounds due to the lack of space at the Port Republic Road Fire Station. Chief Holloway stated most of the first responders have received the vaccination, and he notified Town Managers to move forward with vaccinating essential employees. The hours for receiving the vaccine will be extended to 7 a.m. to 7 p.m. Chief Holloway assured the Board that all the vaccinations have been used, by having people on standby.

Chief Holloway said he is trying to determine how elderly citizens, who do not have an email address or access to a computer, can sign up for the vaccine.

Vaccinations for 2,200 school staff, including bus drivers, will be provided on January 27, 2021, with assistance from school nurses. Chief Holloway is trying to arrange for the National Guard to vaccinate the inmates.

In response to a question from Supervisor Ritchie, Chief Holloway noted that 44 percent of the Fire and Rescue staff have received the COVID vaccination. Other Fire and Rescue staff will receive their vaccination in the next few weeks. Chief Holloway indicated some people are waiting to see what reaction others have before they receive the COVID vaccine, but Fire and Rescue is educating people about the vaccine, and strongly encouraging employees and citizens to take the vaccine.

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

The Board received and reviewed Mr. Dean’s staff report dated January 4, 2021.

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**COURT SERVICES DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Freeman’s staff report for January 13, 2021.

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**COMMITTEE REPORTS.**

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

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chair Chandler noted a new chair will be appointed at the March CCJB meeting.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison advised that the library has been closed, but books are available by reservation and pickup. All late fees are being waived.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Armstrong announced that the County has spoken with a lot of prospects.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger announced that VACo will provide Capitol Contacts each day, as legislation moves through. He thanked Kim Sandum for the Horse and Buggy Bill, indicating area legislators and VACo will oppose that legislation.

Supervisor Kyger indicated the VACo Board of Directors will meet virtually on January 28, 2021 and a Virtual Local Government Day will also be held that day. The 2021 Virtual VACo Chairpersons’ Institute will be held on January 29, 2020.

CHAIR

Chair Chandler reminded Board members to review the FY21-22 budget calendar and take note of upcoming dates.

OTHER

Administrator King advised that there will be a closed meeting regarding economic development later in the evening.

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**RECESS.**

Chair Chandler recessed the meeting for dinner at 5:12 p.m.

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**PUBLIC HEARING – SPECIAL USE PERMIT.**

At 6:01 p.m., Chair Chandler opened the public hearing and Mr. Getz reviewed the following special use permit request:

SUP20-319 Madison D. Allman/CMH Homes Inc. 3945 Park Way, Elkton, Virginia, to place a manufactured home on property zoned RR1-Residential or Recreational, located on the east side of Treeland Lane, approximately 0.28 mile south of East Side Highway (Route 340) in Election District #5. Tax parcel 154-(2)-L9.

Mr. Getz noted the applicant was present.

In response to a request from Supervisor Breeden, Mr. Getz explained a manufactured home is inspected under Housing and Urban Development (HUD) specifications as opposed to stick-built or modular homes that are inspected under the Virginia Uniform Statewide Building Code (USBC). Mr. Getz indicated connections and tie-downs will be inspected by a County Building Inspector.

In response to questions from Supervisor Wolfe-Garrison and Chair Chandler, Mr. Getz confirmed Ms. Allman’s home will be on a permanent foundation. He said the lots are densely wooded, with some of the homes visible from Treeland Lane, which serves the small subdivision. The parcels on both sides of Treeland Lane are zoned RR-1, and most of the surrounding property is zoned A-2.

Supervisor Ritchie asked if the home could be approved without a special use permit if the applicant was building a stick-built home. Mr. Getz said a stick-built home could be permitted without a special use permit. Supervisor Breeden noted a modular home could be built on the property by right.

Scott Boehm, who is the manager of Clayton Homes and has been in the manufactured and modular home business for 28 years, indicated the outward appearance of a modular home and manufactured home are similar. A modular can be anything from a two-story Cape Cod home to a single-story ranch home that looks similar to a manufactured

home. He noted the mortgage company Ms. Allman is working with is requiring that her home be converted to real estate with a foundation, and strapped down with the wheels, axles, chassis, and hitch removed so that the house can never be moved.

Mr. Boehm explained that a manufactured home is governed under the Division of Motor Vehicles (DMV), which collects tax on the manufactured home. Once the DMV has collected the tax on the manufactured home, they do not care what is done with the title. To protect their interests, most lenders who provide good interest rates require that the title be surrendered, and the home be converted from personal property to real estate. The County tax assessment will also consider the manufactured home as real estate.

Teresa Kite, who handles the logistics for building permits at Clayton Homes, indicated this home fell through the cracks, as the title company did not notice that Ms. Allman was purchasing a manufactured home. Ms. Kite stated Ms. Allman has already purchased the land and house. Ms. Kite indicated she provided comparables to County staff for the appraisal and tax assessment. She stated the exterior of the house will look the same whether it is a modular or manufactured home. Ms. Kite asked the Board to grant Ms. Allman the special use permit so she can provide a nice home for her family.

Carl Chenoweth stated he and his wife live at the end of Treeland Lane. He has known Madison Allman four years, as she is his wife's cousin. Mr. Chenoweth noted Ms. Allman has worked very hard to go through this process and experienced some stress over the housing situation and finding out about zoning issues that she was not aware of, at the last minute, was very difficult. Mr. Chenoweth said some neighbors have indicated Ms. Allman's home may affect their property value, but he informed them that Ms. Allman's home looks very comparable to others on Treeland Lane. Mr. Chenoweth stated he is not worried that the value of his property will decrease.

Garrett Delph, who lives directly across from Ms. Allman's property, stated he can hardly see Ms. Allman's driveway from his home, much less up the lane, so her home will be secluded. Mr. Delph said he has known Ms. Allman for five years, and people speak very favorably about her and her family.

Supervisor Breeden said he received about five complaints, mostly from residents on Arrowpoint Lane, which runs parallel to Treeland Lane. Mr. Getz said the properties with homes on Arrowpoint Lane are zoned A-2. The two subdivisions use a separate, private lane, he said.

Supervisor Breeden said the problem with a manufactured home in an RR-1 zoning district is that it affects the entire County. The zoning goes with the land, so if Ms. Allman's manufactured home burned down or she sold it, the person who bought the property could place a single-wide on it, unless there was a specific condition to prohibit that. Mr. Miller stated a condition can be placed on the special use permit indicating, if the home is replaced for any reason, it must be replaced with a similar size and quality house.

Ms. Cooper noted all the documents in the Board packet are legally binding, but to provide an assurance for the community, the special use permit could include the additional conditions. She said the manufactured home would be a by-right use if this property were zoned A-2, but since it is zoned RR-1, an extra step is required.

Chair Chandler asked if the applicant removed everything underneath the manufactured home, and permanently attached the house to a foundation, whether Ms. Allman's home would be considered like any other permanent house. Mr. Miller said it will always be a manufactured home, but once it is permanently attached to a foundation, localities can and should tax it as real estate, but that does not change the character of the home. Chair Chandler further questioned if the permit were granted and the house was placed on a permanent foundation, would it be "by right" the same as any other house in a RR-1 zoning district.

Mr. Miller said manufactured homes and modular homes have different definitions in the Federal Code and the State Code. Years ago, mobile homes became referred to as manufactured homes because the regulations they originally followed were changed and

they could be towed on the highway. He stated modular homes are stick-built homes, built in a factory. The advantage to them is that they are built in a controlled weather environment. An additional benefit to them is that even though they are built to building codes, and they can also travel down the highway in pieces and be put back together.

Mr. Miller reiterated that a modular home and manufactured home are considered differently. The code indicates a special use permit is needed to place a manufactured home on Ms. Allman's lot. It cannot be unclassified as being a manufactured home, but once it is attached to the real estate, for tax purposes, it is treated like any other home.

Supervisor Breeden said he had not visited that subdivision in quite a while; there are some very nice homes there. Supervisor Breeden said he would like to know what can be done to identify the manufactured home as a modular home.

Mr. Boehm indicated he serves on the Virginia Manufactured and Modular Housing Board for the State. He agreed that you cannot convert a manufactured home to a modular home and vice versa, due to the codes under which they are built. He noted part of the Virginia Code for modulars, includes on-frame modulars, which look identical to a manufactured home. It is built to the Statewide Building Code but is an on-frame modular that is built on rails that are part of the floor system; it comes with axles under the house and a hitch. Mr. Boehm noted if you did not know what to look for, you would not be able to tell the difference between them, but the inspectors know what to look for on the data plate, he said.

Mr. Boehm said if the Board grants the special use permit, he thinks the Board can include in the wording that if something were to happen to the home and it is replaced, the landowner would not be able to replace it with a single-wide or a double-wide with skirting. The replacement would have to be identical to the home Ms. Allman places on the lot.

Chair Chandler asked if the Board approved the special use permit and allowed the house to be placed on a permanent foundation, whether the County would tax the home like any other real estate. Mr. Miller responded yes that it will be assessed as real estate, not as personal property on a piece of real estate. His understanding is that the purchaser surrenders the title so the manufactured home cannot be transported on the highway. Mr. Miller said, if the Board is inclined to approve the special permit, it should include explicit conditions regarding what type of home would be permitted to replace it, such as a stick-built or modular home, or a manufactured home of similar quality and aesthetics.

MacKenzie Delph, Madison Allman's sister, said Madison has young children and is trying to provide a home for her family.

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Chair Chandler closed the public hearing at 6:28 p.m.

Supervisor Breeden made a motion to table SUP20-319, Madison D. Allman/CMH Homes Inc. 3945 Park Way, Elkton, Virginia, to place a manufactured home on property zoned RR1-Residential or Recreational, located on the east side of Treeland Lane, approximately 0.28 mile south of East Side Highway (Route 340) in Election District #5. Tax parcel 154-(2)-L9, until the January 27, 2021 Board meeting.

Supervisor Breeden said, after seeing the photos he received earlier in the day, he would like to visit with the residents in that community.

Supervisor Kyger seconded the motion, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board tabled SUP20-319, Madison D. Allman/CMH Homes Inc. 3945 Park Way, Elkton, Virginia, to place a manufactured home on property zoned RR1-Residential or Recreational, located on the east side of Treeland Lane, approximately 0.28 mile south of East Side Highway (Route 340) in Election District #5. Tax parcel 154-(2)-L9, until the January 27, 2021 Board meeting.

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**PUBLIC HEARING – REZONING.**

At 6:30 p.m., Chair Chandler opened the public hearing and Mr. Dyjak reviewed the following rezoning request:

REZ19-230 Wayne & Laurie McDorman, 10443 Rawley Pike, Hinton VA 22831, to rezone two parcels totaling 1.53 acres, located on the south side of Rawley Pike (US 33) approximately 0.1 mile east of Bridger Road (Route 840), from A-2 General Agricultural to RV Rural Village. Tax map numbers 90-(A)-L4 and L6. Comprehensive Plan Designation: Agricultural Reserve, Election District 4.

Mr. Dyjak said the rezoning request is to change the zoning to Rural Village (RV) to provide more flexibility for the McDormans or any future owner who may want to redevelop or repurpose the property, which is currently a non-conforming use. Mr. Dyjak noted there are more limitations under the current A-2 zoning than the RV zoning district. He indicated the change to Rural Village is consistent with the Comprehensive Plan and RV district regulations. He said staff determined this was an appropriate change since the store is located between two rural communities. The purpose of the RV district is to provide services for agricultural business and crossroads communities in rural areas.

By a vote of 5 to 0 on December 1, 2020, the Planning Commission recommended approval.

Mr. Dyjak noted the applicant, Wayne McDorman, and his realtor, Angela Andrews, were present to answer questions.

Supervisor Kyger informed the Board that the events leading to this rezoning request have been a two-year process and has been thoroughly examined.

Since there is only one property involved in the rezoning, Kim Sandum asked how this is different from spot zoning.

Ms. Cooper indicated spot zoning is when property is rezoned for the sole benefit and gain of the property owner, without regard for the impact on the surrounding area or property owners. She stated this does not meet that definition because it is a long-established use, which pre-dates the zoning. This change is for the greater good of the community in which it is located, Ms. Cooper said. It has operated historically and currently as a store providing sandwiches and daily or weekly needs in the area.

Mr. Dyjak stated this change in zoning also allows for an expansion of the RV-zoned district if other adjacent property owners desire to open a business in the future.

Ms. Cooper stated the existing A-2 zoning can continue as long as the McDorman's store does not cease to operate for two or more years. However, the McDormans are constrained due to the existing A-2 district.

Supervisor Wolfe-Garrison confirmed a business in a Rural Village will be complementary to the area around the business.

Supervisor Kyger noted the McDorman's business has been located there as long as he can remember. If the business would not have served a need in that community, it would have closed, but it has remained and operated to serve people traveling from West Virginia to work and citizens in the community. Supervisor Kyger stated the store also serves the non-motorized community, so they do not have to travel as far to purchase necessities. Supervisor Kyger does not think the store can continue to be viable in its current state, because it needs to be a more modern business that is competitive in the market.

Supervisor Wolfe-Garrison asked if a new owner would be allowed to use the store in the manner it has been used for many years. Mr. Dyjak confirmed that was the case



unless the store is closed for two years or makes changes that do not comply with the A-2 zoning.

Supervisor Wolfe-Garrison confirmed there is no question that the business can continue in the A-2 district. Future owners who want to remodel and expand the store, may do so, but there could be complications from the expansion or remodeling since the store is non-conforming, or if the use is discontinued for two years. If that occurs, the owner could request a special use permit in the A-2 zoning district.

Supervisor Ritchie confirmed that the McDormans are limited to expand their business. Supervisor Kyger said if the McDormans decide to sell the property, the price must be reasonable to compete with modern businesses.

Angela Andrews, the realtor representing the McDormans on the sale of their property, said other uses that would be permitted to serve the farming community without needing a special use permit are a machinery and equipment center, a produce stand, and retail use not otherwise listed, which would help the expansion and marketing, and help the McDormans to have a viable use for the property that can continue to serve them and the community. When the McDormans retire, if there is no buyer and the building is vacant, it could deteriorate.

No one spoke in opposition to this request.

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Chair Chandler closed the public hearing at 6:46 p.m.

Supervisor Kyger made a motion to approve REZ19-230 for Wayne & Laurie McDorman, 10443 Rawley Pike, Hinton VA 22831 since a great deal of time has been spent on research and current possible uses; and the Planning Commission approved the rezoning request by a 5-0 vote.

Supervisor Ritchie seconded the motion, and carried by a roll call vote of 4 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – NAY; the Board approved REZ19-230, Wayne & Laurie McDorman, 10443 Rawley Pike, Hinton VA 22831, to rezone two parcels totaling 1.53 acres, located on the south side of Rawley Pike (US 33) approximately 0.1 mile east of Bridger Road (Route 840), from A-2 General Agricultural to RV Rural Village. Tax map numbers 90-(A)-L4 and L6.

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**PUBLIC HEARING – ORDINANCE AMENDMENTS.**

At 6:48 p.m., Chair Chandler opened the public hearing and Mr. Dyjak reviewed the following proposed ordinance amendments:

- OA20-219** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 to add the definition of photometric plan and to amend Section 17-706 Outdoor lighting.

Mr. Dyjak indicated the proposed Ordinance Amendment, OA20-219, was tabled by the Planning Commission on October 6, 2020, due to public comments received. Staff incorporated several changes in the proposed ordinance amendment. The primary proposed amendments include a photometric plan requirement for a site plan that has an outdoor lighting requirement; a full fixture cutoff; and clarifies the minimum average uniformity ratio.

Mr. Dyjak stated that the majority of the ordinance retains the existing requirements, while it clarifies and brings into practice what most engineers already provide on site plans. He said the proposed ordinance applies to commercial projects and residential subdivisions where a site plan is required. It will not apply to single residences.

Mr. Dyjak noted several engineers and developers have indicated it was a little difficult to meet some of the standards. They indicated that in many cases the lighting standards were brighter than the County would be comfortable with. Mr. Dyjak said the lighting has been tiered, so it is brighter on the major arterial roads and less luminous on local collector roads, which allows for more spacing of the light posts.

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**OA20-277** Amending the Zoning Code, Sections 17-304, 17-607, and Table 17-606 to revise the scope of **Rural Village (RV) Zoning District**, and to increase the maximum allowable area for retail uses from 1,500 ft<sup>2</sup> to 4,000 ft<sup>2</sup>, with greater square footage allowable by special use permit.

Mr. Dyjak indicated this ordinance amendment is more of a clean-up of the existing Rural Village Zoning District. He said two primary items are considered part of this request.

Mr. Dyjak said the RV district will expand the scope slightly to allow for crossroads businesses and focus on areas in the County where rural services are needed for an agricultural community where residences are clustered but are far from other population centers or town growth areas. It would also allow for an increase in the maximum square footage of retail uses not otherwise listed.

Mr. Dyjak stated staff and the Planning Commission recommended approval, noting that any request over 4,000 square feet would require a special use permit and would go to the Board so requests can be addressed on a case-by-case basis.

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Supervisor Wolfe-Garrison clarified that there are 861 parcels in the County that are currently zoned RV, and 38 of those parcels have businesses on them; the rest of them remain single-family dwellings. Mr. Dyjak said there are also some institutional and agricultural-related uses, but primarily single-family detached residences.

Supervisor Wolfe-Garrison asked about the benefits of expanding commercial growth in rural areas versus limiting some of the larger retail in commercial areas. She asked why it would be better to increase a retail possibility in a small area or areas where there is residential or agricultural.

Mr. Dyjak said the RV district is primarily a mixture that is designed to be a traditional area of a crossroads community to provide flexibility and allow for retail uses that may be appropriate in the RV district. The RV district includes businesses, agri-businesses, agricultural businesses, and single-family homes. These are intentionally designated in areas far from existing services, such as a grocery store. The RV district provides flexibility. Mr. Dyjak stated there are natural constraints, setbacks, and site plan requirements.

Supervisor Kyger noted that bringing things to a standard 4,000 square feet makes sense. Anything above 4,000 square feet would require Board approval under a special use permit. This provides flexibility to approve a business a little larger than 4,000 square feet, or leave it at 4,000 square feet, he said.

Supervisor Wolfe-Garrison confirmed that the 4,000 square feet is all under roof.

Realtor Angela Andrews spoke in favor of the RV zoning ordinance. She noted the McDorman's convenience store/gas station would be allowed to have 4,000 square feet, but if the gas station portion is not in use, the retail is currently limited to 1,500 square feet. She questioned why you can have a convenience store that is 4,000 square feet, but not a retail stand alone. By protecting the community and not allowing over 4,000 square feet, if a Family Dollar or Dollar General wants to come in, they would have to apply for a special use permit because they are over 9,000 square feet. The McDormans have an attachment to

their store that puts it at 3,336 square feet in total. Ms. Andrews noted that falls closely in line with what is being considered.

Kim Sandum spoke in opposition to the RV district ordinance amendment, indicating 4,000 square feet of retail space in a rural village is too much, and 1,500 square feet would be more appropriate. Ms. Sandum expressed concern that the County is not considering all the rural villages scattered around the County. People enjoy the small-scale villages with the traditional uses and traditional buildings, she said. Ms. Sandum noted the County wants to recognize and protect rural villages, but she believes rural villages will randomly increase in size and the character of them will change. She indicated services can be provided to rural villages, but if the ordinance is approved, precious parts of the County with a long history and beautiful character will be lost. She asked that the rural village ordinance amendment not be approved, stating it will be detrimental to the character of the County.

Mr. Dyjak said he understands Ms. Sandum’s concerns and reiterated that this is strictly a change for one particular use (retail use as not otherwise listed). He noted in addition to convenience stores being allowed up to 4,000 square feet, there are other uses that are more intensive uses and are not restricted to any size or capacity, such as restaurants, galleries, antique shops, and medical offices. These are all permitted uses in the RV district, which was the reason to consider retail use as not otherwise listed. The ordinance will bring those into alignment, he said.

Supervisor Ritchie noted there are have only been 38 commercially-developed parcels in rural villages since 1985, which indicates there is a limited market.

Mr. Miller questioned whether a 1,500 square feet retail facility is viable in today’s world or is a larger shop needed to be profitable. Mr. Dyjak noted several businesses have indicated they may be restrained.

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At 7:06 p.m., Chair Chandler closed the public hearing.

On motion by Supervisor Kyger, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE  
AMENDING  
SECTION 17-201 AND SECTION 17-706  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 170-201. Definitions generally and Section 17-706. Outdoor lighting be and hereby are amended:

**Section 17-201. Definitions generally.**  
(in alphabetical order)

*Photometric Plan.* A point by point plan depicting the intensity and location of lighting on the property.

All other definitions are reaffirmed.

**Sec. 17-706. - Outdoor lighting.**

- (a) All outdoor lighting, including the placement, orientation, distribution patterns and fixture types of outdoor lights, shall be installed to protect the adjacent properties from light trespass and light pollution to the fullest extent possible. This includes pole-mounted lights and wall-mounted lights (wall packs). Copies of the manufacturer cut sheet of each type of light used shall be provided at either the site plan or building plan review phase. A photometric plan shall be included with all engineered site plans where these fixtures are proposed and shall include:
1. A site plan, drawn to scale, showing property boundaries, buildings, structures, landscaping, parking areas and proposed exterior lighting fixtures;
  2. Location of all posts, canopies, supports, and light fixtures, including the mounting height of each fixture;
  3. Specifications of the illuminating devices, lamps, supports, and other devices. This may include but is not limited to manufacturers catalog cuts and drawings, including sections where required;
  4. Plan shall show locations of all outdoor lighting fixtures and a numerical twenty-five foot (25') by twenty-five foot (25') (maximum) grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric plan). The photometric plan will indicate the footcandle levels within the lighted area of the site. The plan shall include lighting levels at all property boundaries, public streets, etc. where measurable lighting extends.
- (b) All new lighting fixtures shall be approved by the International Dark-Sky Association (IDA), or equivalent. Lighting fixtures not approved by the IDA shall be full cut-off design.

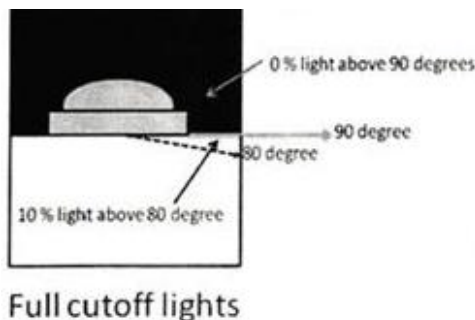


Figure 17-706

- (c) Lighting fixtures shall be installed in a fixed position, which orients the light downward. Incidental lighting fixtures, which do not cause glare or any light trespass onto adjacent parcels, are exempted from these requirements.
- (d) Lighting fixtures, except for those required under paragraph (g), shall be so arranged that light is directed away from adjacent properties.
- (e) Lighting fixtures shall provide only 0.5 footcandle maximum at the property line.
- (f) No lighting shall produce illumination or glare on streets detrimental to the safety and convenience of the public.
- (g) Lighting shall be provided for sidewalks and pedestrian facilities adjacent to streets.
- (h) Lighting of the surfaces of pedestrian areas required by paragraph (e) shall provide minimum average maintained illuminance and average to minimum uniformity ratio not exceeding the ratios shown in Table 17-706.

Table 17-706

Street Classification	Minimum Maintained Average Illuminance (fc)	Average to Minimum Uniformity Ratio
Major (Arterial)	0.9	3.0
Collector	0.6	3.5
Local	0.5	6.0

- (i) At crosswalks, parking lots, and other areas where pedestrians are likely to enter vehicular traffic areas, higher lighting intensity levels should be provided.
- (j) Vegetative screening used to meet the requirements of this section shall be effective year-round.
- (k) All outdoor lighting, including display lighting, shall be turned off after the close of business hours, except that needed for safety and security, in which case lighting shall be reduced to the minimum level necessary.
- (l) Canopy lighting shall be recessed and/or shielded so that all light emitted is projected directly beneath the canopy and not beyond it. All parts of the light fixtures must be recessed into the horizontal ceiling of the canopy, and the vertical edges of the canopy shall be lower than the horizontal ceiling in which the lighting is affixed.
- (m) Lighting posts and fixtures shall be placed such that landscaping, vegetation, and signage not-interfere with the effectiveness of the lighting.
- (n) All lighting shall be maintained and replaced or supplemented as necessary to continue to comply with this article. All structural features installed to satisfy the requirements of this article shall be maintained, repaired, replaced, painted, or otherwise enhanced as necessary to continue to perform the function for which they are intended.

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On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 3 to 2, voting recorded as follows: BREEDEN – AYE; CHANDLER – NAY; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – NAY; the Board adopted the following ordinance amendment:

**ORDINANCE AMENDING SECTIONS 17-304 AND 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:

**Section One.**

**That Section 17-304. – Rural Village district (RV) hereby is amended as follows:**

**Sec. 17-304.01. - Definition.**

The RV district is designed to accommodate rural villages, community crossroads, and businesses in rural locations that have historically served as support to the surrounding rural areas. These areas may include agribusinesses, agritourism, small-scale community retail or services, and residences.

**Sec. 17-304.02. - Requirements.**

- (a) The RV district shall promote the continuance of community activities and the limited establishment-or expansion of businesses to serve the immediate community or surrounding agricultural areas.

- (b) In all minor and major site plans, the following factors such as, but not limited to, shall be considered during review. Surrounding buildings should be evaluated as to the significance and integrity of their architecture and character. Where appropriate, new development should be compatible with adjacent structures and the pattern of the surrounding area. Compatibility is not construed to imply that new development conforms strictly to existing development but, rather, that new development is similar to existing development in scale and massing, that materials and colors complement the existing development, and that adequate transition buffers are provided between new commercial development and noncommercial development or zoning districts.
- (c) Development incompatible with the RV district or the surrounding agricultural or forestal uses shall be encouraged to locate within urban growth areas designated in the comprehensive plan or in other plan adopted by the county.

**All other parts of Section 17-304 are re-affirmed.**

**Section Two.**

**That Table 17-606. Land Use and Zoning Table** hereby is 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	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	PID	S-1
Retail use not otherwise listed			P*/SU								P	P		P*	P	P	P	P	P	SU	P	

**All other parts of Table 17-606 are re-affirmed.**

**Section Three.**

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

*Retail use not otherwise listed.*

- (a) In the RV zoning district, the retail use shall occupy no more than four thousand (4,000) square feet, except by special use permit.
- (b) In the MHP zoning district, the retail use shall serve primarily the residents of the manufactured home park in which it is located.

**All other parts of Section 17-607 are re-affirmed.**

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**RECESS.**

At 7:18 p.m., Chair Chandler declared the regular meeting recessed for a meeting of the Countryside Sanitary District.

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**RECESS.**

At 7:20 p.m., Chair Chandler declared the regular meeting recessed for a meeting of the Lake Shenandoah Stormwater Control Authority.

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**RECESS.**

At 7:21 p.m., Chair Chandler declared the regular meeting recessed for a meeting of the Lilly Subdivision Sanitary District.

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**RECESS.**

At 7:21 p.m., Chair Chandler declared the regular meeting recessed for a meeting of the Penn Laird Sewer Authority.

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**RECESS.**

At 7:22 p.m., Chair Chandler declared the regular meeting recessed for a meeting of the Smith Creek Water and Waste Authority.

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**RESUME MEETING.**

At 7:24 p.m., Chair Chandler called the meeting back to order.

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**CLOSED MEETING.**

On motion by Supervisor Kyger, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 7:25 p.m. to 7:54 p.m., for a closed meeting pursuant to Section 2.2-3711.A (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community.

MOTION: SUPERVISOR KYGER

RESOLUTION NO: 21-01

SECOND: SUPERVISOR WOLFE-GARRISON

MEETING DATE: January 13, 2021

**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, RITCHIE, WOLFE-GARRISON

NAYS: NONE

ABSENT:

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**RESUME MEETING.**

Chair Chandler resumed the meeting at 7:55 p.m.

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**RECESS.**

At 7:56 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Lake Shenandoah Stormwater Control Authority.

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**RESUME MEETING.**

Chair Chandler resumed the meeting at 7:58 p.m.

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**ADJOURNMENT.**

Chair Chandler declared the meeting adjourned at 7:58 p.m.

\_\_\_\_\_,  
Chair