

February 8, 2023

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 8, 2023, at 3:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

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:

BRYAN F. HUTCHESON, Sheriff

- THOMAS H. MILLER, JR., County Attorney
- PATRICIA D. DAVIDSON, Assistant County Administrator for Finance & Operations
- MICHAEL L. BOWEN, Director of Technology
- RHONDA H. COOPER, Director of Community Development
- KIRBY W. DEAN, Director of Parks & Recreation
- PAULA A. GREENHAGEN, Director of Human Resources
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- ROSS C. MORLAND, Director of Engineering
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Zoning Administrator
- JESSICA G. KILBY, 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
PLEDGE OF ALLEGIANCE
INVOCATION.**

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

Supervisor Chandler provided the invocation, and Engineering Director Morland led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded 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 approved the minutes of the regular meeting of January 25, 2023.

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TRANSPORTATION DEPARTMENT.

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

SECONDARY ROAD ADDITION – ROUTE 929 ACORN LANE

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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following resolution:

**VDOT Project Additions to Secondary Route 929 – Acorn Lane
Pursuant §33.2-705**

RESOLUTION

WHEREAS, the Virginia Department of Transportation has completed Project 0612-082-178 C501, and

WHEREAS, the project sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction, and

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE BE IT RESOLVED that this Board requests the Virginia Department of Transportation add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FINALLY RESOLVED, a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE AND OPERATIONS.

Assistant County Administrator Davidson reported that after the annual review of outstanding accounts receivable balances in the Three Springs Water & Sewer Fund, staff recommended writing-off the accounts deemed uncollectible. She pointed out the Treasurer had already utilized debt setoff and collections.

On behalf of the Finance Committee, on motion by Supervisor Wolfe-Garrison, seconded 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 authorized Finance staff to write-off the following account balances deemed uncollectible for the Three Springs Water & Sewer Fund, totaling \$13,605.08:

Account	Customer	Name	Location	BOOK	District	Over 120	Total Due	Notes
10283	10283	KENTUCKY FRIED CHICKEN	2160 JOHN WAYLAND HWY	000026	NW	2,886.41	2,886.41	write off
20366	20366	MORAN SHANE	5220 PENN LAIRD	000058	NW	959.09	959.09	write off
20932	20932	FAULS JEFF	5423 PENN LAIRD	000058	NW	621.20	621.20	write off
22206	22206	DIAZ JUAN	542 WATERTOWER	000058	TS	1,223.51	1,223.51	write off
16917	16917	MCHONE ROBERT	3399 PORT REPUBLIC	000005	TS	909.40	909.40	write off
21218	21218	BROCK REBECCA & ANTONIO	28 MCGAHEY	000055	TS	813.47	813.47	write off
21052	21052	MT VIEW LLC	311 LAWYER	000053	TS	771.66	771.66	write off
13035	13035	CALHOUN JEFF & PAM	10290 MCGAHEYSVILLE	000057	TS	708.02	708.02	write off
21799	21799	GRAY CRYSTAL	10209 MCGAHEYSVILLE	000057	TS	411.18	411.18	write off
22637	100235	FUNEZ REYES ELSA P	3306 DEBBIE	000029	TS	410.46	410.46	write off
21673	100178	MILLER SHYANNA	520 VIEW MT CIRCLE APT 4	000053	TS	389.61	389.61	write off
23086	23086	DAWSON CHRISTINE	61 SOUTH MOUNTAIN	000046	TS	366.39	366.39	write off
21941	21941	TAYLOR STEPHEN P	5471 SPOTSWOOD TRL	000058	TS	358.66	358.66	write off
16344	16344	DAVIS JEFF	3364 CHARLESTON	000039	TS	314.74	314.74	write off
22369	22369	LONG ROBERT	10968 MCGAHEYSVILLE	000057	TS	291.64	291.64	write off
22637	22637	GARCIA MILDRED R	3306 DEBBIE	000029	TS	286.32	286.32	write off
22253	22253	NODILEY FAJARDO ALEMAN	1198 ROSEDALE	000027	TS	259.81	259.81	write off
21064	21064	BREEDEN MICHAEL	485 BLOOMER SPRINGS	000057	TS	256.18	256.18	write off
23141	23141	NEW HOPE BAPTIST CHURCH	112 NEW HOPE	000057	TS	255.31	255.31	write off
72883	100271	HANNA VICTORIA	10076 CAVE HILL	000057	TS	229.31	229.31	write off
16093	16093	LAM JENNIFER	3321 DEBBIE	000029	TS	218.41	218.41	write off
20499	20499	TANKERSLEY KERIANN	10424 WHISPERING PINE	000056	TS	206.15	206.15	write off
17051	22035	CHAPMAN WILLIAM T. & MARSHA	3301 BATTERY PARK PL	000039	TS	203.22	203.22	write off
19874	19874	MADISON WILLIAM E	43 LAWYER	000058	TS	202.87	202.87	write off
10100	10100	ALLEN GLORIA M	4040 LUCY LONG	000010	TS	30.06	30.06	write off - deceased
18299	18299	Carter Joan E	348 DIANA CT			22.00	22.00	write off - deceased
							13,605.08	

Mrs. Davidson reported the County received a \$50,000 grant from the Virginia Department of Fire Programs, which will be used toward the purchase of a Mobile Flashover Simulator for training purposes. The total cost of the simulator is \$137,480.50. The remaining cost of \$87,480.50 includes the County’s grant match, and the Fire and Rescue department is planning to use Aid to Localities (ATL) money to offset the remaining balance.

On behalf of the Finance Committee, on motion by Supervisor Wolfe-Garrison, seconded 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 approved the following FY2022-2023 Supplemental Appropriation:

Fire & Rescue Grant

Supplemental Appropriation: \$50,000

\$50,000 1001-00000-12404-000-324090-000 General Fund: Fire Programs Funds
\$50,000 1001-03201-00000-000-506065-000 Fire & Rescue: Minor Equipment

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RECESS.

Chairman Ritchie recessed the meeting at 3:28 p.m. for a meeting of the Lake Shenandoah Stormwater Control Authority.

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RECONVENE.

Chairman Ritchie reconvened the meeting at 3:33 p.m. for committee reports.

VIRGINIA ASSOCIATION OF COUNTIES LIAISON (VACo)

Supervisor Kyger brought attention to House Bill 2200 (Robinson), proposed legislation to mandate tax deductions for anticancer drugs purchased by medical practices. He pointed out that local governments already have the authority to do what the legislation proposes and said it only restricts local government with the means by which it can raise revenues. It is another attack on local government taxing authority by the General Assembly, he said. He remarked that the legislation sets an unnecessary precedent for other types of businesses seeking similar tax exemptions in the future.

Supervisor Kyger recommended the Chair or County Administrator notify state legislators of the County’s opposition to HB2200.

On motion by Supervisor Kyger, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board directed staff to notify state legislators of the County’s opposition to House Bill 2200.

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CLOSED MEETING.

On motion by Supervisor Kyger, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 3:41 p.m. to 4:48 p.m., for a closed meeting pursuant to Section 2.2-3711.A (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and 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
SECOND: SUPERVISOR CHANDLER

RESOLUTION NO: 23-02
MEETING DATE: February 8, 2023

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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RECESS.

At 4:49 p.m., Chairman Ritchie recessed the meeting for dinner.

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RECONVENE.

Chairman Ritchie reconvened the meeting at 5:55 p.m.

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REMOVAL FROM THE TABLE – SUP22-2334 NECTAR SOLAR, LLC.

Supervisor Breeden motioned to remove SUP22-2334 Nectar Solar, LLC from the table, with a second by Supervisor Kyger. 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 removed SUP22-2334 Nectar Solar, LLC from the table.

Zoning Administrator Getz recalled this was a request for an approximate 20-plus acre solar facility on Honeysuckle Road. He said there were concerns voiced at the public hearing and the request was tabled for further review. He noted Supervisor Breeden had visited the property on several occasions.

Supervisor Breeden expressed his intent to deny the request based on a land use perspective.

On motion by Supervisor Breeden, seconded 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 denied SUP22-2334 Nectar Solar, LLC, 321 East Main Street, Charlottesville, VA 22902, for a large solar energy facility located on the west side of Honeysuckle Road (Route 980) approximately 180 feet south of Rockingham Pike (Route 981). Zoned A-1 (Prime Agricultural). Tax Map #129-(A)- L172B. Election District 5.

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CHAIRMAN.

Chair Ritchie requested a review and study of the County’s Zoning Ordinance as it relates to electronic signage in A-1 and A-2 zoning districts. He explained there had been a request for an electronic sign in the A-2 district, in a location where he found no reason it should not be permitted.

Zoning Administrator Getz said staff would study the current ordinance and determine whether electronic signage could be permitted by special use in certain zoning districts.

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PUBLIC HEARING – SPECIAL USE PERMIT SUP22-2536 KEVIN NOLT.

Zoning Administrator Getz reviewed the following special use request:

SUP22-2536 Kevin Nolt, 3716 Dry Hollow Road, Dayton, VA 22821, for a woodworking shop, located on the north side of Dry Hollow Road (Route 744), approximately 0.2 miles west of Ottobine Road (Route 257). Zoned A-1 (Prime Agricultural). Tax Map #105-(A)- L111. Election District 4.

The applicant was present.

Chairman Ritchie opened the public hearing at 6:05 p.m.

No members of the public spoke.

Chairman Ritchie closed the public hearing.

On motion by Supervisor Kyger, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-2536 Kevin Nolt, 3716 Dry Hollow Road, Dayton, VA 22821, for a woodworking shop, located on the north side of Dry Hollow Road (Route 744), approximately 0.2 miles west of Ottobine Road (Route 257). Zoned A-1 (Prime Agricultural). Tax Map #105-(A)- L111. Election District 4.

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ADJOURN.

Chairman Ritchie declared the meeting adjourned at 6:06 p.m.

Chairman