

February 10, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 10, 2021, at 3:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

The following members were present:

- DEWEY L. RITCHIE, Election District #1
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

The following member participated via teleconference:

- SALLIE WOLFE-GARRISON, Election District #2

Also present:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- KIRBY W. DEAN, Director of Parks & Recreation
- ANN MARIE FREEMAN, Director of Court Services
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- 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 Chandler called the meeting to order at 3:00 p.m.

Supervisor Ritchie provided the invocation, and County Administrator King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

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 minutes of the regular meeting of January 27, 2021.

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RESOLUTION – ROCKINGHAM COOPERATIVE’S 100TH ANNIVERSARY.

Chairman Chandler read a resolution commending Rockingham Cooperative on the occasion of its 100th Anniversary and declaring February 23, 2021, as “Rockingham Cooperative Day.”

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a vote 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following resolution:

RESOLUTION

WHEREAS, in early 1921, over one thousand farmers in Rockingham County met to create a resolution for unfair and unprofitable prices on fertilizer, and vowed to cooperatively purchase fertilizer at affordable prices from area suppliers; and

WHEREAS, from that meeting, 268 members formed an organization in Rockingham County; and

WHEREAS, Rockingham Cooperative acted as a leader and set an example for other area cooperatives in and around Rockingham County, and across the country, to empower an agricultural community; and

WHEREAS, the presence of Rockingham Cooperative since 1921 demonstrates the importance of agriculture in the communities it serves and the value of a cooperative to local residents; and

WHEREAS, Rockingham Cooperative has supplied farm supplies, feed, fertilizer, and other supplies needed for agricultural pursuits over its history with the intent to make a meaningful impact on the operations, and member-owners that work with the cooperative; and

WHEREAS, Rockingham Cooperative has proven its value and stood the test of time by providing a valued service to its member-owners and customers for the past 100 years.

NOW, THEREFORE, BE IT RESOLVED, the Rockingham County Board of Supervisors hereby commends Rockingham Cooperative on the occasion of its 100th Anniversary and expresses its appreciation for the vital service provided to the agricultural community.

BE IT FURTHER RESOLVED, that February 23, 2021, be declared as “**Rockingham Cooperative Day**” to celebrate the first cooperative act that area farmers in the County participated in that led to the creation of Rockingham Cooperative.

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COURT APPOINTED SPECIAL ADVOCATES FOR CHILDREN (CASA).

On behalf of Blue Ridge Court Appointed Special Advocates for Children (CASA), Dwight E. Houff requested the Boards consideration of an annual financial contribution. Mr. Houff explained that CASA volunteers are trained individuals appointed by the Juvenile and Domestic Relations (JDR) Courts to advocate for abused and neglected children involved in the Court system. CASA’s main purpose is to help children through child welfare systems, which are often overburdened. Mr. Houff noted it is not uncommon for a child to be assigned to several social workers over a short period of time. CASA works closely with the Harrisonburg-Rockingham Social Services District and provides reports to the Court. There are 22 volunteers in the Harrisonburg-Rockingham area, the largest number in the Shenandoah Valley. Since July 1, 2020, CASA served 51 children in Harrisonburg City and Rockingham County. Mr. Houff emphasized that child advocates provide a crucial role for neglected children in the community and said although the work is very rewarding, it is also time consuming. He noted that CASA’s funding is provided through grant awards and individual donations and urged the Board to consider an annual yearly contribution of \$15,000.

Supervisor Kyger recalled that staff implemented a new non-profit grant process this year. He said the new process involves a review team which prioritizes all requests and provides recommendations for inclusion in the budget. Administrator King indicated CASA submitted an application recently, which had been considered by the non-profit Review Team. He said he was aware the Team would be proposing funding for the organization in the upcoming budget, but he was not aware of the amount.

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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.

Mr. Komara said he will attend a meeting on February 11 concerning the South Valley Pike (Route 11) lane-widening project. Designers and staff will meet to discuss the project. Right-of-way acquisition will begin once the design stage is complete.

In response to Supervisor Wolfe-Garrison's comment about potholes on Mt. Clinton Pike, Mr. Komara stated that VDOT had recently completed the repairs.

Supervisor Kyger said he is very appreciative for VDOT's snow removal partnership with the agribusiness community.

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PRESENTATION – MIDDLE RIVER REGIONAL JAIL RENOVATIONS AND EXPANSION UPDATE.

Jeffery L. Newton, Superintendent of Middle River Regional Jail (MRRJ), provided an update on the proposed renovations and expansion of the Jail. The presentation highlighted the background of the MRRJ Authority, the administrative process for expansion approval, historical expansion options, and the potential project to date.

Superintendent Newton pointed out that the rated capacity of MRRJ is 396 offenders. When the original building was constructed almost sixteen years ago, the core (kitchen, hot water, HVAC, property storage, medical) was designed with the ability to serve more than its rated capacity at times; however, it was not constructed to house over its rated capacity on a regular basis. The Average Daily Population (ADP) of the Jail has exceeded 900 offenders periodically and peaked at over 1,000 offenders in 2018. The number of inmates per housing unit has doubled, with the Jail operating at 200 percent capacity since 2017. While the numbers have increased, the dorm-style living units designed to house 20 individuals, now house fifty-plus individuals. per unit, with only two toilets, two sinks and two showers per unit.

Superintendent Newton recalled that after the administrative process and expansion approval, several expansion options were proposed. With the original three options appearing too large in scope, the project was refined and presented to the Authority on January 7, 2021. The refined potential project included necessary renovations, community corrections, mental health space, an increase in the number of minimum custody beds, and added maintenance space.

(The Middle River Regional Jail Renovation and Expansion Presentation detailing the potential project and anticipated costs is attached to and made a part of these minutes)

Superintendent Newton also highlighted recent substantive Criminal Justice Reform legislation with the potential to impact offenders sentencing guidelines and possibly reduce the number of offenders in custody in the future. He pointed out that potential reform benefits would be too far out to address existing overcrowding conditions for offenders at the Jail.

Following Superintendent Newton's presentation, a lengthy discussion ensued amongst the Board, staff, and Superintendent Newton, with Mr. Newton answering specific questions related to operations at MRRJ.

Supervisor Kyger suggested the Board schedule a time to tour the facility.

In closing, Chairman Chandler said it is obvious a facility in its sixteenth year is due for renovations, especially as it relates to the dignity, respect and safety of the inmates and staff.

Superintendent Newton pointed out that although jails are often viewed as opposition to criminal justice reform, that is not the case. He said Middle River Regional Jail is merely a repository of the criminal justice system and has a responsibility to meet the basic needs of the individuals placed in its custody.

The next Middle River Regional Jail Authority Board meeting is scheduled for April 6, 2021.

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CONSIDERATION – REFUND OF OVERPAYMENT OF TAXES.

Interim Commissioner of the Revenue Cullers reviewed a personal property tax refund request for VFS Leasing Company for overpayment of taxes paid in tax year 2020.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board directed the Treasurer to issue a tax refund to VFS Leasing Company in the amount of \$3,847.44; for overpayment of personal property taxes paid in tax year 2020.

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SETTING OF DAY AND TIME OF STANDING COMMITTEE MEETINGS.

Chairman Chandler reviewed a proposed schedule, setting the day and time of standing committee meetings, as needed.

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 declared that beginning February 24, 2021, all standing committees shall meet at 2:00 p.m. on those Wednesdays when the Board meets at 3:00 p.m.; and shall meet at 4:00 p.m. on those Wednesdays when the Board meets at 6:00 p.m., as needed.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated February 10, 2021.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Mongold's staff report dated February 10, 2021.

Mrs. Mongold reported that the Virginia Department of Labor and Industry (DOLI) approved Emergency Temporary Standards for Infectious Disease Prevention due to COVID-19 effective July 27, 2020. DOLI and the Governor approved a Final Permanent Standard to replace the Emergency Temporary Standards, which include updates to mask requirements,

work-related vehicle hazard controls, and updated return to work direction. Mrs. Mongold noted that the Permanent Standards could potentially expire in the future if standing Health Emergency Orders are lifted and pending the Virginia Safety and Health Board's determination.

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PUBLIC WORKS STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated February 10, 2021.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated February 10, 2021.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated February 2021.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated February 2021.

Chief Holloway reported that the next round of first vaccinations may not be distributed by the Virginia Department of Health (VDH) until early March, but noted that CVS will begin offering 700 vaccinations per week. Chief Holloway indicated the VDH should have a vaccine registration system assessable by phone in the coming week.

Supervisor Kyger commended Chief Holloway and Fire and Rescue staff for the outstanding service they are providing to the community.

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PARKS AND RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated February 4, 2021.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated February 2021.

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COMMITTEE REPORTS.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

The CCJB will meet virtually on Monday, March 1, 2021.

FINANCE COMMITTEE

Supervisor Kyger announced that the Board will hold its Annual Budget Work Session on Friday, February 19, 2021, from 9 a.m. until 2 p.m. in the Fire and Rescue Training Room.

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RECESS.

Chairman Chandler recessed the meeting for dinner at 5:02 p.m.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:00 p.m., Chairman Chandler reconvened the meeting and opened the public hearing. Zoning Administrator Getz reviewed the following special use permit requests:

SUP20-320 Jose Olguin, 2840 Mattie Drive, Rockingham VA for a small contractor's business on property located on the west side of Boyers Road (Rt. 704) on the south side of the intersection with Mattie Drive, Election District #3, zoned A2-General Agricultural. Tax map #125-(A)-L122B.

The applicant was present.

No members of the public spoke concerning the request.

SUP20-332 Wayne Billhimer, 11586 Hisers Lane, Broadway, for a private airstrip and hanger on property located on the south side of Lindale Road (Rt. 780) approximately 500' east of the intersection of Jesse Bennett Way (Rt. 859), Election District #2, zoned A2-General Agricultural, Tax map #79-(A)-L94.

The applicant was present.

No members of the public spoke regarding the request.

SUP20-354 Jordan Witmer, 6443 Thomas Spring Road, Bridgewater for a machinery & equipment center/small engine repair shop located on the south side of Thomas Spring Road (Rt. 748) approximately 1.5 miles west of Ottobine Road (Rt. 257), Election District 4, zoned A1-Prime Agricultural. Tax map #121-(A)-L82.

The applicant was present.

No members of the public spoke regarding the request.

Chairman Chandler closed the public hearing at 6:07 p.m.

SUP20-320 JOSE OLGUIN

Supervisor Chandler reported that he had received a considerable number of concerns from the community related to traffic and the proximity of the proposed business to homes. Supervisor Chandler acknowledged that there are already existing traffic issues on Boyers Road and said the proposed location is too close to residential homes.

On behalf of Chairman Chandler, on motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-

GARRISON – AYE; the Board denied SUP20-320 Jose Olguin, 2840 Mattie Drive, Rockingham VA for a small contractor's business on property located on the west side of Boyers Road (Rt. 704) on the south side of the intersection with Mattie Drive, Election District #3, zoned A2-General Agricultural. Tax map #125-(A)-L122B.

SUP20-332 WAYNE BILLHIMER

Supervisor Wolfe-Garrison reported that she received concerns about stormwater runoff as it relates to impermeable surfaces, and how an airstrip would affect Linville Creek. She pointed out that the request is for a grass airstrip; and said she does not see how runoff is an effective issue beyond what the property already is as a crop field. Supervisor Wolfe-Garrison reported that the applicant confirmed that the entrance to the property will not be directly visible from Lindale Road.

On motion by Supervisor Wolfe-Garrison, 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, subject to the following conditions, approved SUP20-332 Wayne Billhimer, 11586 Hisers Lane, Broadway, for a private airstrip and hanger on property located on the south side of Lindale Road (Rt. 780) approximately 500' east of the intersection of Jesse Bennett Way (Rt. 859), Election District #2, zoned A2-General Agricultural, Tax map #79-(A)-L94.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.

SUP20-354 JORDAN WITMER

Supervisor Kyger stated that the nature of the proposed business, in a rural area where the need arises in close proximity to its use, is appropriate to serve the surrounding community.

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, subject to the following conditions, approved SUP20-354 Jordan Witmer, 6443 Thomas Spring Road, Bridgewater for a machinery & equipment center/small engine repair shop located on the south side of Thomas Spring Road (Rt. 748) approximately 1.5 miles west of Ottobine Road (Rt. 257), Election District 4, zoned A1-Prime Agricultural. Tax map #121-(A)-L82.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.
3. There shall be no employees other than residents of the property.

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CLOSED MEETING.

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 recessed the meeting from 6:12 p.m. to 6:27 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
SECOND: SUPERVISOR RITCHIE

RESOLUTION NO: 21-03
MEETING DATE: February 10, 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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ADJOURN.

Chairman Chandler declared the meeting adjourned at 6:27 p.m.

Chairman