

February 23, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 23, 2022, at 6:00 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:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator for Development
- PATRICIA D. DAVIDSON, Assistant County Administrator for Finance & Operations
- RHONDA H. COOPER, Director of Community Development
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Zoning Administrator
- RACHEL A. SALATIN, Director of Planning
- KAYLA R. YANKEY, Land-Use Planner
- 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.**

Chair Wolfe-Garrison called the meeting to order at 6:00 p.m.

Supervisor Chandler provided the invocation, and County Attorney Miller led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 4 to 0 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSTAIN; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of February 9, 2022.

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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 announced the Spring Transportation Conference is May 9, 2022, from 4 - 6 p.m. at Blue Ridge Community College.

Supervisor Kyger noted areas where the pavement is crumbling along the edges of Lee Highway (Route 11) north near Monger Park.

Supervisor Kyger asked VDOT to consider shifting Cecil Wampler Road (Route 704) slightly to the north as improvements continue on the Route 11 (South Valley Pike) widening project.

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**RESOLUTION – COMPREHENSIVE COMMUNITY CORRECTIONS ACT.**

Supervisor Chandler brought attention to an amended resolution related to the Community Criminal Justice Board (CCJB) and its bylaws. He also pointed out that contrary to a recent article published in the *Daily News-Record*, the CCJB serves in an advisory role to the local governing bodies and does not implement any type of policy.

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 adopted the following Resolution:

**AMENDED RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF  
THE COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR LOCAL  
RESPONSIBLE OFFENDERS, THE PRETRIAL SERVICES ACT, THE  
ESTABLISHMENT OF THE HARRISONBURG-ROCKINGHAM  
COMMUNITY CRIMINAL JUSTICE BOARD  
AND ADOPTING BY-LAWS THEREFORE**

**WHEREAS**, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (Section 9.1-173 et. seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (Section 19.2-152.2 et. seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

**WHEREAS**, Sections 9.1-174 and 19.2-152.2 of the Code of Virginia permit counties and cities or combinations thereof to develop and establish local pretrial or community-based probation services pursuant to these acts; and

**WHEREAS**, Sections 9.1-178 and 19.2-152.2 of the Code of Virginia require that each county and city establishing and operating community-based probation and pretrial services establish a Community Criminal Justice Board, and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board; and

**WHEREAS**, by Resolution adopted December 12, 2007, the County of Rockingham, jointly with the City of Harrisonburg, implemented the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act pursuant to Section 9.1-183, and appointed members to the Harrisonburg-Rockingham Community Criminal Justice Board (the CCJB), with Rockingham County acting as the administrator and fiscal agent on behalf of the participating localities; and

**WHEREAS**, the Rockingham County Board of Supervisors and the Harrisonburg City Council now desire to expand the membership of, and adopt by-laws for, the CCJB.

**BE IT THEREFORE RESOLVED** that the CCJB shall fulfill its responsibilities pursuant to Section 9.1-180, of the Code of Virginia and shall be composed of the following members pursuant to Section 9.1-178 of the Code of Virginia:

- A representative of the Harrisonburg City Council, to be appointed by the Council when and how it sees fit;

- A representative of the Board of Supervisors, to be appointed by the Board of Supervisors when and how it sees fit;
- A judge of the general district court representing the 26th Judicial District as agreed upon by the judges of said district;
- A circuit court judge representing the 26th Judicial Circuit as agreed upon by the judges of said circuit;
- A judge of the juvenile and domestic relations district court representing the 26th Judicial District as agreed upon by the judges of said district;
- The Chief Magistrate serving the City and the County;
- The Chief of Police of the Harrisonburg Police Department;
- The Sheriff of Harrisonburg and Rockingham County;
- An attorney from the Commonwealth's Attorney's Office for Harrisonburg and Rockingham County, as designated by the Commonwealth's Attorney;
- An attorney experienced in the defense of criminal matters in the courts serving the City and the County, as appointed from time-to-time by the Council and the Board of Supervisors;
- Superintendent of the City of Harrisonburg Public School System;
- Superintendent of the Rockingham County School System;
- An administrator from the Harrisonburg-Rockingham County Community Services Board;
- An administrator from the Harrisonburg/Rockingham Department of Social Services;
- Chief of District 39 Probation and Parole;
- Director, Rockingham - Harrisonburg Court Services;
- Clerk of the Rockingham County Circuit Court;
- A representative from the Harrisonburg/Rockingham/Page Reentry Council;
- City Manager of the City;
- County Administrator of the County.

Any officer of the court may designate a member of such officer's staff approved by the Council and the Board of Supervisors to represent such officer at meetings of the CCJB.

***BE IT FURTHER RESOLVED*** that the Rockingham County Board of Supervisors hereby approves and adopts the By-Laws of the CCJB attached to this resolution; and

***BE IT FURTHER RESOLVED*** that this resolution supersedes and replaces all prior resolutions approved by the Rockingham County Board of Supervisors relating to the establishment of required services and the formation and membership of the CCJB.

Adopted this 23rd day of February 2022.

BY-LAWS  
of the  
HARRISONBURG-ROCKINGHAM  
COMMUNITY CRIMINAL JUSTICE BOARD  
2021

**ARTICLE I - Name**

The name of this Board is the Harrisonburg-Rockingham Community Criminal Justice Board for the City of Harrisonburg (the City) and Rockingham County (the County), also referred to as the CCJB.

**ARTICLE II - Purpose of these Bylaws and of the CCJB**

The Council for the City of Harrisonburg (the Council) and the Board of Supervisors for Rockingham County (the Board of Supervisors) established the CCJB pursuant to Section 9.1-

178 of the Code of Virginia (1950), as amended (the Code). The CCJB has functioned without explicit bylaws, relying on the Code for guidance regarding those issues customarily addressed in bylaws. The Council and the Board of Supervisors now determine that it is prudent to formally adopt bylaws for the CCJB so that it can perform those duties and tasks assigned to it in the Code.

### **ARTICLE III – Responsibilities**

The responsibilities of the CCJB primarily are set forth in Section 9.1-180 of the Code, as amended from time to time.

### **ARTICLE IV – Composition of the CCJB**

In accordance with Section 9.1-178 of the Code, the Council and the Board of Supervisors have appointed the following as voting members of the CCJB:

- A representative of the Council, to be appointed by the Council when and how it sees fit;
- A representative of the Board of Supervisors, to be appointed by the Board of Supervisors when and how it sees fit;
- A judge of the general district court representing the 26<sup>th</sup> Judicial District as agreed upon by the judges of said district;
- A circuit court judge representing the 26<sup>th</sup> Judicial Circuit as agreed upon by the judges of said circuit.;
- A judge of the juvenile and domestic relations district court representing the 26<sup>th</sup> Judicial District as agreed upon by the judges of said district;
- The Chief Magistrate serving the City and the County;
- The Chief of Police of the Harrisonburg Police Department;
- The Sheriff of Harrisonburg and Rockingham County;
- An attorney from the Commonwealth’s Attorney’s Office for Harrisonburg and Rockingham County, as designated by the Commonwealth’s Attorney;
- An attorney experienced in the defense of criminal matters in the courts serving the City and the County, as appointed from time-to-time by the Council and the Board of Supervisors;
- Superintendent of the City of Harrisonburg Public School System;
- Superintendent of the Rockingham County School System;
- An administrator from the Harrisonburg-Rockingham County Community Services Board;
- An administrator from the Harrisonburg/Rockingham Department of Social Services;
- Chief of District 39 Probation and Parole;
- Director, Rockingham – Harrisonburg Court Services;
- Clerk of the Rockingham County Circuit Court;
- A representative from the Harrisonburg/Rockingham/Page Reentry Council;
- City Manager of the City;
- Administrator of the County.

The Council and the Board of Supervisors may, from time-to-time, as they see fit, add non-voting members to the CCJB in accordance with Section 9.1-178 of the Code. Non-voting members serve at the pleasure of the Council and Board of Supervisors.

CCJB members may not be employed by, operate, or sit on boards of directors of any private program or service organization compensated by the County or the City to provide direct offender services or supervision.

Any officer of the court may designate a member of his or her staff approved by the Council and the Board of Supervisors to represent him or her at meetings of the Board of the CCJB.

### **ARTICLE V – Officers and Meetings**

Meetings of the CCJB shall be presided over by the Chair or, in the Chair’s absence, the Vice-Chair. The representatives of the Council and the Board of Supervisors shall alternate holding the offices of Chair and Vice-Chair for two calendar years each. There shall be no other

offices of the CCJB. Staff support for the CCJB shall be provided by the Office of Court Services and the staffs of the City and the County.

There shall be an annual meeting of the CCJB on the second Monday in January. During the annual meeting, the CCJB shall acknowledge the Chair and Vice-Chair, shall determine its regular meeting schedule for the new calendar year, and shall conduct whatever other business is on the agenda.

Special meetings of the CCJB may be called by the Chair, Vice-chair, or upon written request to the Chair from three (3) voting members.

A quorum shall consist of one-half plus one of all voting members of the CCJB. A quorum must be present to conduct business. Any action taken or decision made by the CCJB must be taken or made by a simple majority of members present and voting at a meeting constituted by a proper quorum.

The CCJB is a public body as defined by Section 2.2-3701 of the Code. Notification of upcoming CCJB meetings shall be posted on the City and County websites no less than three (3) days prior to the meeting.

Meetings may be accessible to the public via electronic methods, but members must attend in person, subject to emergency provisions in the Code.

#### **ARTICLE VI - Order of Business**

The order of business followed in regular or special meetings shall be as determined by the Chair and set forth in the agenda.

Guests may be invited to speak to the CCJB at the discretion of the Chair or as determined by a majority vote of the voting members of the CCJB present. Such majority may reverse a decision of the Chair.

The CCJB may adopt standing rules regarding the time allotted to guest speakers and members of the public. Members of the public wishing to speak during the public comment time on the agenda shall state their name and place of residence if recognized to speak.

#### **ARTICLE VII – Committees of the CCJB**

Ad hoc committees may be established and dissolved from time-to-time by the CCJB to address specific issues related to the mission of the CCJB. The purpose of any ad hoc committee shall be specified in the CCJB minutes.

The Chair shall appoint a committee chair, who shall be a voting member of the CCJB, to chair the activities of the committee. The committee chair shall appoint committee members who shall be (i) members of the CCJB, (ii) representatives of public bodies, agencies and organizations having experience in the administration of the courts and court services, as they relate to criminal justice, and from private and faith-based organizations that have hands-on experience working with and ministering to victims and perpetrators of crimes, people with substance abuse problems, and people with mental and emotional health issues, or (iii) individuals determined by the committee chair to have expertise, knowledge, or experience relevant to the purpose of the committee, provided that any such individual must complete the County's standard application for boards and commissions and submit the same to the committee chair, who shall present any such application to the CCJB for approval.

#### **ARTICLE IX - Rules of Procedure**

Roberts Rules of Order, as amended from time to time or as modified by the CCJB, shall govern the CCJB to the extent they are not inconsistent with these Bylaws or the Code.

#### **ARTICLE XII – Amendments**

These Bylaws may be amended from time-to-time as deemed appropriate by the Council and the Board of Supervisors. The Board of the CCJB may make requests and recommendations for amendments to the Council and Board of Supervisors.

Adopted this 23rd day of February 2022.

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## **ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE & OPERATIONS.**

The Board received and reviewed Mrs. Davidson's staff report dated February 23, 2022.

Mrs. Davidson provided proposed revisions to the County's Purchasing Card Policy and indicated the changes are necessary to update the bank administering the cards from SunTrust to Bank of America and to reflect a delegation in duties from the Finance Director to the Accountant in the office.

On behalf of the Finance Committee, on motion by Supervisor Chandler, 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 adopted the following Purchasing Card Policy:

### **Rockingham County Purchasing Card Policy**

#### **Overview**

The Purchasing Card Program provides another service within our existing purchasing system to better support your operating needs. All purchasing cards will be issued by the Finance Department.

Rockingham County has entered into an agreement with Bank of America to provide Visa brand cards for our program. Visa is widely accepted, and we anticipate that the purchasing card program will reduce the time and money the County spends processing small-dollar purchases.

Purchasing cards will be issued to departments and/or individuals as authorized by the Director of Finance. The individual/department is then known as the "cardholder". After initial implementation, card requests may be submitted to the Finance Department.

#### **Program Parameters**

Each purchasing card will have a per transaction dollar limit. This limit will not exceed \$5,000 (including any applicable taxes and shipping charges). A monthly billing cycle limit of \$5,000 will also apply to all cards. The 2nd of each month is the closing day for each billing cycle. Where justification can be made to support higher limits, some exceptions may be granted. Additional limits such as number of transactions per month, etc. may also be established as deemed appropriate by the Director of Finance.

Purchasing cards may **not** be used for personal purchases or for cash advances. They may **not** be used for purchases of computers and related items which are all procured by the Department of Technology.

Use of the purchasing card for travel and meal expenses **MUST** follow all guidelines of the County's Travel and Expenses Policy. See Rockingham County Employee Handbook for additional information.

#### **Cardholder/Department Responsibilities**

The Department Director will be responsible for providing the Finance Department a list of those employees authorized to receive purchasing cards. Any request for new cards must be sent to the Finance Department.

Maintenance of an accurate record of card transactions is imperative. Information regarding the nature of **each** purchase must be documented, using the Bank of America Works Program and on the receipt or on an attachment. This should include, but not be limited to, those persons who benefit from the purchase, such as persons receiving meals, if applicable, the event being held, or a case number if such is available. **All receipts must be kept to match to the monthly statement and must include a description of the purchase as outlined above..** Departments must submit **original receipts to the Department of Finance**

with their monthly statement. In the event that a receipt is lost, departments must contact the vendor and request a duplicate receipt. Employees that persistently neglect to obtain receipts, or lose receipts and use affidavits may lose the privilege of using a purchasing card. Fraudulent use or misuse of the card will result in disciplinary action which may include termination.

The monthly statement must be signed by the Department Director/Manager, indicating review and approval, prior to submission to the Department of Finance. If an order is placed by telephone, it is important to request that an itemized receipt be mailed to the cardholder. The cardholder must use the purchasing card for legitimate business purposes only. Misuse of the card will subject the cardholder to disciplinary action or termination for cause. The cardholder is responsible for submitting any information to the Purchase Card Administrator regarding purchases that are requested as the result of any internal audit. The cardholder must:

- Ensure purchasing card is used for legitimate business purposes only.
- Maintain the purchasing card in a secure location at all times.
- Adhere to the purchase limits and restrictions of the purchasing card.
- Notify vendors at the point of purchase that purchases are exempt from sales tax. The County is **not** exempt from the prepared food and beverage tax nor the lodging tax. If taxes are charged it is the responsibility of the cardholder to receive credit.
- Verify orders. Be sure you get what you are paying for and that you are charged the correct amount.
- Obtain receipts or other documentation for items returned for credit and/or exchanged.
- Make sure that an itemized receipt is obtained, documenting all items purchased. This may be a separate item of documentation from the charge slip, or the charge slip may reflect each item purchased.
- Reconcile the monthly cardholder statement, enter the required information into the Bank of America Works program, and the supporting documentation. Obtain management approval of this and forward to the Department of Finance.
- Do not accept cash in lieu of a credit to the purchasing card account.
- Immediately report a lost or stolen card to Bank of America.
- Return the purchasing card to departmental liaison upon terminating employment with Rockingham County or transferring departments within the County.
- Monitor budgets and do not overspend accounts.

\* **Do NOT give the card number to vendors to keep on file!**

### **Individual Cards**

If a purchasing card is assigned to an individual, that individual will be responsible for the security of the card and for the maintenance of the Reconciliation Form. Authorized signers should be aware of the possibility of fraudulent use of the card and should make every effort to keep the card secure. Users should request the carbons at point of sale and keep the card number from being duplicated except during valid use. It is the responsibility of any individual coding transactions on the Reconciliation Form to enter all information regarding the funding sources including Fund, Department, and Object.

### **Disputed Transactions**

The cardholder will be responsible for resolving any dispute at the merchant level prior to contacting the Purchasing Card Administrator. If merchandise is returned or if there is an adjustment to the charge, a copy of the credit slip shall be forwarded to the Department of Finance with the monthly records. If the dispute cannot be resolved at the merchant level, it should be fully documented in writing. Timeliness of the reporting of errors and problems is imperative as only 60 days from the billing date is allowed to resolve errors. When disputes arise, the County must initially pay for the disputed item. If the dispute is resolved in the County's favor, a credit will be applied on the subsequent month's bill. The item in question should be noted on the monthly submission to the Department of Finance.

### **Alternate Contacts**

Each card will have an alternate contact that will be able to handle any issues that may arise on the card in absent of the cardholder. By having an alternate contact this will grant access to the cardholders’ personal data. Please understand we have policies and procedures to address the right, obligations, and permissions that such Alternate Contact’s access will allow.

**Declined Cards**

If your card is declined at a point of sale, please make your purchase using another method. Call the Purchase Card Administrator to report that your card was declined and the name of the vendor who declined it as soon as possible. The Purchase Card Administrator will contact Bank of America to determine if there is a problem. You will be notified as to why the card was declined. Reasons could include the vendor does not accept VISA, you are blocked from using the merchant category code the vendor is associated with, or you may have exceeded a dollar or transaction limit.

**Purchasing Card Maintenance and Closure:**

All contact with Bank of America for card set up, maintenance and closure will be handled by the Purchasing Card Administrator. Any changes must be reported to the Purchase Card Administrator. The Purchasing Card Administrator is required to close an account if a cardholder: (a) moves to a new job in which purchasing is not part of required duties, (b) terminates employment or (c) for any of the following reasons which will also subject cardholder to disciplinary action in accordance with County Policies and Procedures relating to disciplinary action and termination for cause:

- The purchasing card is used for personal or unauthorized purposes.
- The purchasing card is used to purchase alcoholic beverages or any substance, material or service which violates policy, law or regulations pertaining to the County.
- The cardholder allows the card to be used by another individual without departmental approval.
- The cardholder splits a purchase to circumvent the limitations on the purchasing card.
- The cardholder fails to provide the required card slips and invoices.
- The cardholder fails to provide, when requested, information about any specific purchase.
- The cardholder does not adhere to all of the purchasing card policies and procedures.

**CARD ACTIVATION IS REQUIRED – this is the last 4 digits of your SS#**

- The Purchasing Card Administrator will send out instructions how to activate the card and create your pin number.

Any questions concerning Purchasing cards can be directed to Finance department at 540-564-3010.

**RECEIPT OF PURCHASING CARD POLICY**

I acknowledge receiving my copy of the Rockingham County Purchasing Card Policy and I agree to read and comply with all responsibilities stated in the policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee’s Signature

As of February 1, 2022 the Purchasing Card Administrator is Carol Quesenberry.

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



Supervisor Kyger reported he had received calls from residents asking staff to reconsider closing container sites on Sundays and suggested closing on a weekday instead. Mr. Rhodes said the change arose from staffing issues and said full-time employees are having to also work the weekends. He said staff will revisit the schedule.

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

The Board received and reviewed Ms. Cooper’s staff report dated February 23, 2022.

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**COMMITTEE REPORTS.**

BUILDINGS AND GROUNDS

Public Works Director Rhodes reported that the asbestos in the Administration building had been abated and said renovations are proceeding.

CHAMBER OF COMMERCE

Assistant County Administrator Armstrong said he will provide an Economic Outlook presentation at the Chamber’s March meeting.

SHENANDOAH VALLEY PARTNERSHIP

Mr. Armstrong recommended Joshua Gooden to serve as the County’s representative on the Small Business Development Center Advisory Committee. He said the Committee meets three to four times per year. By consensus, the Board was in agreement.

VIRGINIA ASSOCIATION OF COUNTIES (VACO)

Supervisor Kyger remarked that mental healthcare challenges were a major topic for discussion at the 2022 National Association of Counties (NACo) Legislative Conference.

Additionally, he requested the Board direct the County Administrator to send a letter to Delegates requesting Senate Bill 400 concerning Agritourism Event Buildings, be carried over to the next session. Supervisor Kyger explained the Bill would authorize the Board of Housing and Community Development to regulate agritourism event buildings.

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 the County Administrator to send a letter to Delegates, requesting that Senate Bill 400 be carried over to the next session.

CHAIR

Chair Wolfe-Garrison reminded Board members to respond concerning proposed dates for department head meetings.

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**RECESS.**

The meeting was recessed at 6:43 p.m.

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**PUBLIC HEARING – REZONING.**

At 7:00 p.m., Chair Wolfe-Garrison opened the public hearing and Mrs. Yankey reviewed the following request.

REZ21-307 Lispen LLC, 1346 Pleasants Dr, Ste 6, Harrisonburg, VA 22801 request to rezone 45.96 acres from B1-C (General Business with Conditions) to BX-C (Business Interchange with Conditions) and 51.95 acres from B1-C (General Business with Conditions) to I1-C (Industrial with Conditions). The property is located 0.2 mile east from the center point where the road overpass crosses the interstate at Exit 240 in Mt Crawford. Tax map 137-(A)- L88, 137-(A)- L89, 137-(A)- L79A, 137-(A)- L77, 137-(A)- L90. Election District 4.

The Planning Commission recommended approval by a 5-0 vote.

Representing Lispen LLC, Craig George, from Valley Engineering, provided a brief history of the property, and indicated the location has a stronger industrial appeal compared to 2003 when it was last rezoned. Mr. Craig said the applicant believes this is the right time to rezone the property and indicated there is currently no timeline for development.

No one spoke in opposition to the request.

Chair Wolfe-Garrison closed the public hearing at 7:06 p.m.

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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 proffer statement, approved REZ21-307 Lispen LLC, 1346 Pleasants Drive Ste 6, Harrisonburg, VA 22801 to rezone 45.96 acres from B1-C (General Business with Conditions) to BX-C (Business Interchange with Conditions) and 51.95 acres from B1-C (General Business with Conditions) to I1-C (Industrial with Conditions). The property is located 0.2 mile east from the center point where the road overpass crosses the interstate at Exit 240 in Mt Crawford. Tax map 137-(A)- L88, 137-(A)- L89, 137-(A)- L79A, 137-(A)- L77, 137-(A)- L90. Election District 4.

Proffer Statement:

Owner: Lispen, LLC

Rezoning Case No: REZ21-307

Tax Map Numbers: 137 (A) L88, 137 (A) L89, 137 (A) L79A, 137 (A) L77, 137 (A) L90

Lispen, LLC hereby proffer(s) that the use and development of this property shall be in strict accordance with the following conditions:

The undersigned submit these proffered conditions, in lieu of any and all pre-existing proffers, as a part of its requested rezoning of the “Property” to the following:

BXZoning: Tax Map Numbers 137 (A) L88 and 137 (A) L79A

I-1Zoning: Tax Map Numbers 137 (A) L89, 137 (A) L77, and 137 (A) L90

1. OPENSOURCE

- a. Not less than 15% of the total acreage of the Property shall be devoted to open space. Open space may include, without limitation, stormwater facilities, picnic facilities, benches, parks, courtyards, plazas, landscaped areas within parking lots, street tree planting areas, setback areas, and landscaping buffers.
- b. A buffer strip of land, not less than twenty-five (25) feet wide, shall be located along the eastern perimeter of the Property, where it directly abuts any residential or agricultural zone district. This eastern buffer strip shall be retained in a natural state until such time as the requirements of the following sentence are triggered. When above-ground improvements are constructed on the Property within one hundred feet of the Property’s eastern perimeter boundary, the owner of the Property shall create a buffer of vegetation

and/or fencing within that portion of the eastern buffer strip, if any, which immediately abuts the new improvements on the Property, provided that such improvements to the buffer shall be required only if the immediately abutting land is used for residential purposes and is not under common ownership with the Property.

2. UTILITIES

With the exception of telecommunications facilities, existing overhead transmission lines and temporary utilities, underground installation of utilities is required wherever possible, subject State Route 867 right-of-way is widened, any required setback from State Route 867 for newly constructed structures shall be calculated as if the State Route 867 right-of-way extended to a point 25 feet from its existing centerline. If the State Route 867 right-of-way is later widened, then after such widening, the actual right-of-way line shall be used for purposes of calculating required setbacks from State Route 867.

3. FUTURE RIGHT-OF-WAY

In the event that the Virginia Department of Transportation desires to acquire in the future additional right-of-way for the enhancement of North River Road (State Route 867), that portion of the Property being a strip of land parallel to State Route 867 measured from the centerline of the existing State Route 867 right-of-way to a point 25 feet from such existing centerline shall be kept in an unimproved state, excluding improvements which currently exist on the Property and newly constructed entrances, driveways, signage and landscaping, and repairs and replacements of the foregoing, to facilitate future dedication of such additional right-of-way.

4. LANDSCAPING

Any building and any area designated on a site plan for parking of trucks, trailers, tractor-trailers, or other equipment or vehicles which are situated within seventy-five feet of the right-of-way line of Interstate 81 and are visible from vehicles traveling Interstate 81 shall incorporate a row of shade trees between such building or parking area, as the case may be, and Interstate 81, to break up the visual line of sight from Interstate 81 (the intent being to provide visual interest, not a screen). The planting will be comprised of saplings spaced to take into account size at mature growth (20 years) and located so as to be aesthetically attractive (roughly equivalent to one every fifty linear feet of visual impact running roughly parallel to Interstate 81), with sufficient gaps to facilitate permitted signage.

5. STREETS

The primary entrance road from State Route 682 (Friedens Church Road) will, subject to approval of VDOT, be constructed as a divided road with a minimum 12-foot wide median (measured from back of curb to back of curb) and curb and gutter to enhance aesthetics of the development. The width of the entrance and exit lanes shall be determined during the site plan approval stage of the project and shall meet VDOT and Fire Department requirements, curb and gutter may end approximately 200 feet into the site. The dividing median shall continue through the project a minimum of 500 feet and shall incorporate, as needed, periodic breaks at internal intersections to facilitate traffic flow to, from and between facilities on different portions of the property.

The entrance road (median section and standard section) shall include a single row of street trees at an average of 60 foot on center for the length of the entrance road that falls within the BX zoned property. Street trees shall be a minimum of 1-1/2" caliper at planting and shall consist of a mix of tree species. The location of the street trees to be a maximum distance of 20 feet from the edge of pavement of the entrance road. In order to discourage cut through traffic through the site, the street network connecting State Route 682 (Friedens Church Road) and State Route 867 (North River Road), if constructed, shall be indirect/circuitous in nature with a minimum of one (1) stop condition.

These proffered conditions, if approved by Rockingham County, will become part of the zoning of the Property and will continue with the Property if there is a change in ownership. Once adopted, these conditions may be changed through a rezoning request to Rockingham County.

The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements submitted as part of this application.

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**PUBLIC HEARING – ORDINANCE AMENDMENT.**

Planning Director Salatin reviewed OA22-015, a staff generated amendment to sub-section 17-702.4(e), to reference and comply with current Americans with Disabilities Act (ADA) standards.

Chair Wolfe-Garrison opened the floor for public comment.

No members of the public spoke.

At 7:10 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Ritchie, 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 ordinance amendment:

**ORDINANCE  
REPEALING AND RE-ENACTING  
SUB-SECTION 17-702.04 (e)  
NON-STANDARD PARKING REQUIREMENTS  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That sub-section 17-702.04 (e) “Non-standard parking requirements” be hereby repealed and re-enacted as follows:

**Sec. 17-702.04. Non-standard parking requirements.**

- (e) Handicapped accessible parking spaces shall comply with current ADA Standards for Accessible Design outlined by the U.S. Department of Justice Civil Rights Division.

All other parts of Section 17-702.04 are re-affirmed.

This ordinance shall be effective from the 23<sup>rd</sup> day of February 2022.

Adopted the 23<sup>rd</sup> day of February 2022

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Community Development Director Cooper reviewed an amendment to repeal and re-enact Section 6-11 and to repeal Section 6-12 through Section 6-21.

Ms. Cooper recalled that as part of the County’s last budget adoption, the Rockingham County Fee Compendium was adopted. She explained that the Code of Virginia does not require inclusion of building fees in the County Code.

Chair Wolfe-Garrison opened the public hearing.

No comments were received.

Chair Wolfe-Garrison closed the public hearing at 7:11 p.m.

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 adopted the following ordinance amendment:

**ORDINANCE  
REPEALING AND RE-ENACTING  
SECTION 6-11  
AND REPEALING  
SECTION 6-12 THROUGH SECTION 6-21  
INCLUSIVE  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 6-11. “Same - Fees” be hereby repealed and re-enacted as follows:

Section 6-11. Same – Fees.

Fees for permits required by this Article shall be as set forth in the Fee Compendium posted on the County website. No public body, incorporated town or city, or political subdivision of the Commonwealth of Virginia, shall be required to pay any permit fee imposed by the Fee Compendium.

That Section 6-12, Section 6-13, Section 6-14, Section 6-15, Section 6-16, Section 6-17, Section 6-17.1, Section 6-17.2, Section 6-17.3, Section 6-18, Section 6-19, Section 6-19.1, Section 6-20, and Section 6-21 be hereby repealed.

This ordinance shall be effective from the 23rd day of February 2022.

Adopted the 23rd day of February 2022.

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**PUBLIC HEARING – SPECIAL USE PERMIT.**

Zoning Administrator Getz reviewed the following request:

SUP22-688 Phillip Rhodes, 3953 Limestone Ln, Dayton, VA 22821, for an additional dwelling located on the west side of Limestone Ln (Rt 737) approximately 0.25 mile south of Rushville Rd (Rt 737) in Election District 2. Zoned A-1 (Prime Agricultural). Tax Map # 106-(A)- L74.

Chair Wolfe-Garrison opened the public hearing at 7:13 p.m.

The applicant was present.

No members of the public spoke.

Chair Wolfe-Garrison closed the public hearing at 7:14 p.m.

On behalf of Chair Wolfe-Garrison, 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 SUP22-688 Phillip Rhodes, 3953 Limestone Lane,

Dayton, VA 22821, for an additional dwelling located on the west side of Limestone Ln (Rt 737) approximately 0.25 mile south of Rushville Rd (Rt 737) in Election District 2. Zoned A-1 (Prime Agricultural). Tax Map # 106-(A)- L74.

SUP21-139 DYNAMIC ENERGY SOLUTIONS LLC

At 7:16 p.m., Chair Wolfe-Garrison reconvened the recessed public hearing of December 8, 2021, concerning SUP21-139 Dynamic Energy Solutions, LLC, 1550 Liberty Ridge Drive Suite 310, Wayne, PA 19087, for a large-scale solar energy facility located on the west side of John Wayland Hwy (Rt. 42) approximately 0.75 mile southwest of Huffman Drive (Rt. 290) in Election District 2. Zoned A-2 (General Agricultural). Tax Map #123-(A)- L24.

Zoning Administrator Getz reported that since the December meeting, the applicant had submitted new information, which had also been provided to the Board.

Representing Dynamic Energy Solutions, LLC, Derek Sheehan reviewed updates which were made as a result of the County adopting its solar ordinance. Updates included revisions to the site plan and landscaping plan, and the addition of a wildlife corridor analysis, and soil quality report. Mr. Sheehan noted the plan now includes the requirement that at least six acres of agricultural and forestall district land remain in agricultural use. He confirmed that the decommission plan updates are required during the site plan phase; reviewed essential changes to setback requirements; and, addressed stormwater concerns and safety concerns raised by the community. Mr. Sheehan recalled the community's opposition to the solar facility as it related to development on prime agricultural soils, and pointed out that the property is already included in the Town's growth area, slated for housing or commercial development any time the Town chooses. Mr. Sheehan stated that the landowner wishes to preserve the land and has no intention to sell the property to the Town for future growth.

Nick Kirkland, certified appraiser for Kirkland Appraisals, reviewed information including specific studies and match-pair data related to his work appraising properties near solar farms over the past seven years. He indicated that solar farms are commonly located in areas where rural meets suburban. According to Mr. Kirkland, the proposed use is a harmonious use for the proposed location; and, in his professional opinion, will not impact adjoining property values.

Dayton Town Manager Angela Lawrence read the following letter into the record, requesting that the Board deny SUP21-139:

*The Town of Dayton requests that the Special Use Permit SUP21-139 Dynamic Energy Solutions, LLC be denied for the following reasons:*

- *The project is not consistent with the County Comprehensive Plan, which has designated this land as an urban growth area.*
- *The project is not consistent with the intent of the Town-County annexation agreement. This project would negatively impact the Town in the future by limiting real property within the Town's growth area. This project uses a significant amount of real estate that would otherwise be used for future neighborhood and/or commercial development. In addition to the acreage used by the project itself, the project may affect the ability of the surrounding land to be used for residential neighborhoods.*
- *This project is located between the adjacent commercial area located within the Town of Dayton and the nearby elementary and high schools, which is a highly desirable location for future orderly growth, consistent with the County's Comprehensive Plan and the Annexation Agreement.*

*We appreciate your consideration of the request to deny. I would ask that you distribute this letter to all Board of Supervisor members prior to tonight's public hearing.*

Supervisor Ritchie inquired about the Town's projected timeframe for expansion within the approved annexation area. Ms. Lawrence said there is no timeframe and indicated the Town has added four subdivisions since entering into the Agreement with the County.

Supervisor Kyger recalled that the Annexation Agreement with Dayton was predetermined many years ago, in 1990.

Chair Wolfe-Garrison opened the floor to public comment.

Dayton Town Mayor, Cary Jackson, spoke in opposition to the rezoning. He said the solar facility would be right in the back yards of community members. Mr. Jackson indicated there had been a lack of communication with the Town, stating that the community met with the applicants for the first-time last night. Mr. Jackson said the proposed location is very important for the Town's future growth.

Mitch Moore spoke in opposition, referencing a letter sent to the County on behalf of thirty-six residents. He said the residents' main concern related to the property being part of the Dry River Agricultural Forestal district. He said the landowner placed the property in that designation to preserve the prime soil. Mr. Moore stated that other special use requests for solar facilities in the County have not been areas located within a designated Agricultural and Forestal district, and said this location is not in line with County policy.

Adjoining landowner Shawn Rhodes expressed opposition. He said a solar farm will take away from the beauty of the landscape and he said he does not want to live beside one. Mr. Rhodes said that approving a solar facility on prime farmland will set a precedent for the future.

Steve Bird was also opposed. He said the facility would be too close to his property; the proposed buffer would not provide relief; adjoining property values would decrease; and he conveyed concerns about electricity and electromagnetic fields affecting his well water and nearby produce.

County resident Joni Lam questioned who was responsible for testing well water quality, for enforcing erosion and sediment control, and asked how land use taxation is affected by solar facilities on agricultural properties. She said even though the County set a cap, the actual area occupied by solar facilities doubles once everything is factored in. Mrs. Lam said regardless of neighboring property value appraisals, "sell-ability" is the issue.

With no further comments from the public, Chair Wolfe-Garrison closed the public hearing at 8:00 p.m.

On behalf of Chair Wolfe-Garrison, Supervisor Chandler made a motion to discuss SUP21-139 further. Supervisor Kyger offered a second, carried by a vote of 5 to 0.

Supervisor Kyger recalled that the Annexation Agreement with Dayton was entered into a long time ago and said approving the permit might preclude the Town from an Agreement the County entered into with them. Also, he expressed concern over locating a solar facility on prime tillable soil within the Dry River Agricultural Forestal district.

In response to a question from Chair Wolfe-Garrison, Mr. Miller indicated landowners have split parcels in order to remove a portion of property from a designated Agricultural Forestal district.

Supervisor Ritchie pointed out that the Town entered into the Annexation Agreement thirty-two years ago, has not pursued development in that area during the thirty-two years, and is not able to identify a timeline of any plan to do so.

For clarification, Mrs. Cooper said the property is in the Dry River Agricultural Forestal district and stated that the presence of a solar facility does not take that land out of the district. She indicated a parcel has to be wholly within, or wholly outside of the district. She cited a condition of the Dry River Agricultural Forestal district:

*“Any new nonagricultural or nonforestal uses and/or buildings, including dwellings, shall be in compliance with the following:*

*“The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.”*

Discussion ensued related to which land uses are permitted in designated Agricultural Forestal districts by special use.

Supervisor Chandler noted that the Comprehensive Plan identifies the area as an urban growth area, which he said is in line with the Annexation Agreement between the County and Town.

In response to earlier questions. Assistant County Administrator Armstrong explained that the County is responsible for Erosion and Sediment Control on disturbed land areas of ten thousand (10,000) square feet or more. Well-water is regulated by the Virginia Department of Health.

Chair Wolfe-Garrison stated that after a long process, in consideration of the County’s Annexation Agreement with the Town of Dayton, and in keeping with that long-term plan, she would request a motion on her behalf for denial of SUP21-139.

On behalf of Chair Wolfe-Garrison, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 1, voting recorded as follows: BREEDEN – AYE ; CHANDLER – AYE; KYGER – AYE; RITCHIE – NAY; WOLFE-GARRISON – AYE; the Board denied SUP21-139 Dynamic Energy Solutions, LLC, 1550 Liberty Ridge Drive Suite 310, Wayne, PA 19087, for a large-scale solar energy facility located on the west side of John Wayland Hwy (Rt. 42) approximately 0.75 mile southwest of Huffman Drive (Rt. 290) in Election District 2. Zoned A-2 (General Agricultural). Tax Map #123-(A)- L24.

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**ADJOURN.**

Chair Wolfe-Garrison declared the meeting adjourned at 8:24 p.m.

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Chairman