

March 23, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, March 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:

- JACKIE LOHR, School Board Member, Election District #1
- LOWELL FULK, School Board Member, Election District #2
- DR. CHARLETTE MCQUILKIN, School Board Member, Election District #4
- DR. OSKAR SCHEIKL, School Superintendent

BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- CASEY B. ARMSTRONG, Assistant County Administrator for Development
- PATRICIA D. DAVIDSON, Assistant County Administrator for Finance & Operations
- SHEILA K. PALADINO, Assistant County Attorney
- RHONDA H. COOPER, Director of Community Development
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Zoning Administrator
- KAYLA R. YANKEY, Land-Use Planner
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

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

Chair Wolfe-Garrison provided the Invocation and County Administrator King led the Pledge of Allegiance.

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INTRODUCTION OF STUDENTS.

Students from James Madison University, Turner Ashby High School and East Rockingham High School introduced themselves to the Board.

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APPROVAL OF MINUTES.

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 approved the minutes of the March 9, 2022, meeting.

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ROCKINGHAM COUNTY PUBLIC SCHOOLS (RCPS) BUDGET PROPOSAL.

Dr. Oskar Scheikl, Rockingham County Public School Superintendent, introduced School Board members Jackie Lohr, Lowell Fulk, and Dr. Charlette McQuilkin.

Dr. Scheikl remarked how the County and Schools have worked well together over the years and expressed appreciation to County staff. He stated that during the budget process, RCPS focuses on its goals and values.

Dr. Scheikl announced that the Rockingham County Public School District is one of 160 demonstration districts with the National Superintendent's Association's Learning 2025 project. Also, in partnership with the Center for Education Policy and Research at Harvard University, RCPS is part of the Harvard Proving Ground project.

The proposed budget included a five percent salary increase for all RCPS staff at a wage increase of \$5 million.

Dr. Scheikl indicated the national teacher shortage had made recruitment and retention more difficult. RCPS is working with James Madison University (JMU) through the Grow Your Own Teacher program where current employees with college degrees are trained to be endorsed as teachers. Schools hired seven special education teachers through the program, he said.

He noted that federal funding is utilized as much as possible for programs and activities provided. RCPS plans to fund \$10 million for the Broadway High School expansion without borrowing money. He said federal funds will be reallocated.

The School Board approved the 2022-2023 school budget on March 22, 2022. The total request from the County for the RCPS FY 2022-2023 budget was \$164,419,567; an \$8 million increase from the previous year.

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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 indicated bids for two projects were opened earlier in the day. The Smithland Road (Route 720) bridge work was awarded to Triton Construction Company at a cost of \$4,925,000. One bid was received to widen Brocks Gap Road (Route 259) from Fulks Run to the West Virginia line; however, Mr. Komara indicated the bid exceeded VDOT's anticipated estimate.

Mr. Komara informed the Board that the date for the Spring Transportation Conference was changed to May 2, 2022, from 4 - 6 p.m., at Blue Ridge Community College.

Maintenance items included cutting trees, grading gravel roads, patching potholes, and plowing snow.

Director of Community Development Cooper reviewed several proposed Smart Scale projects. Staff would like to submit fully funded transportation grant applications, at no expense to the County. The County is allowed to submit four applications, and the Central Shenandoah Planning District Commission (CSPDC) will assist with the grants.

Ms. Cooper reviewed options for improvements to Spotswood Trail (Route 33) near the Rockingham Park at the Crossroads. One project will alter the intersection of Spotswood Trail and Rockingham Park Way. The other option would involve changes to

the intersection of Spotswood Trail, Cross Keys Road (Route 276) and Indian Trail Road (Route 610). Ms. Cooper noted the proposed projects will also be submitted by the CSPDC.

Mr. Komara indicated another proposed project for Smart Scale funding will improve the intersection of Spotswood Trail (Route 33) and Island Ford Road (Route 649). The project would involve changing the traffic signal, constructing a crossover, upgrading the railroad crossing, adding a turn lane, and a U-turn for rescue vehicles only.

Mr. Komara reviewed proposed improvements the intersection of Spotswood Trail (Route 33) and Resort Drive (Route 644). One project will require a second southbound left-turn lane on Resort Drive, a second left-turn lane on eastbound Spotswood Trail, and the construction of a northbound left-turn lane on Mt. Olivet Church Road (Route 644). The other proposal will restrict traffic movement between Resort Drive and Mt. Olivet Church Road. This will require traffic traveling on Route 33 to utilize U-turns on Rockingham Pike, at the East Point Road (Route 602) traffic signal, and on McGaheysville Road (Route 996).

Administrator King said there are concerns about motorists traveling east on Spotswood Trail and making a U-turn to access Resort Drive. Mr. Komara indicated dual left lanes going east on Route 33 would likely work better to reduce eastbound traffic backups in the evenings.

There was also discussion about a project adding a traffic signal at the intersection of East Side Highway (Route 340) and Island Ford Road. Additionally, a northbound left turn lane will be added on Island Ford Road. Ms. Cooper stated the timing of the traffic signal would be set to accommodate the trains traveling through.

In response to a question from Chair Wolfe-Garrison, Ms. Cooper indicated the County can submit up to four projects. She said additional projects may be submitted by the CSPDC.

Ms. Cooper reported that the Smart Scale applications are due by March 31, 2022. Since the projects are being submitted as placeholders, there is no action required by the Board at this time, she said.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

Administrator King reported that he had provided information to the Board about a rural digital opportunity fund application submitted by Shentel and awarded by the Federal Communications Commission. He said Shentel is backing away from the wireless broadband approach and moving toward a wired approach. Administrator King said he will endorse Shentel giving up those funds unless the Board indicates otherwise.

Administrator King reported that Middle River Regional Jail (MRRJ) will receive relief from overcrowding since the Department of Corrections (DOC) plans to move 160 state-responsible inmates currently at MRRJ. He said there were approximately 200 MRRJ inmates, including 90 at other facilities via rented beds. Mr. King noted the overcrowding issue will improve in the short-term, and as long as the DOC sustains taking state inmates. Administrator King expressed appreciation to everyone involved who helped to ease the overcrowding issue.

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COUNTY ATTORNEY.

Assistant County Attorney Paladino presented a Resolution regarding the transfer of title to certain real estate in the County's Technology Park at Innovation Village, to Veronesi Real Estate LLC. Mrs. Paladino asked the Board to authorize Messrs. King and Miller to complete the transfer, since all conditions for the transfer had been met.

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:

BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA,
RESOLUTION REGARDING
TRANSFER OF TITLE TO
CERTAIN REAL ESTATE IN THE COUNTY’S TECHNOLOGY PARK,
ALSO KNOWN AS INNOVATION VILLAGE,
TO
VERONESI REAL ESTATE LLC

WHEREAS, by two deeds dated January 7, 2000, recorded in the Clerk’s Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 1770, at pages 172 and 186, Rockingham County acquired certain real estate, including those parcels identified as Rockingham County tax parcels 94-(A)-130, 94-(A)-134, 94-(A)-139, 94-(A)-139A, and Harrisonburg tax parcels 44-(A)-1 and 44-(A)-25, which real estate is known collectively as the County’s Technology Park or as Innovation Village @ Rockingham and is referred to herein as the Real Estate, and;

WHEREAS, after public hearing, duly advertised, the Board of Supervisors authorized the sale, lease for long or short term, or otherwise convey the Real Estate, and;

WHEREAS, Rockingham County entered into a Performance Agreement, dated July 8, 2021, with the Commonwealth of Virginia and Veronesi Real Estate LLC in which Rockingham County agreed to convey to Veronesi Real Estate LLC certain real estate under certain conditions set forth in the Performance Agreement, and;

WHEREAS, Rockingham County and Veronesi Real Estate LLC further clarified their relationship in a Letter Agreement also dated April 21, 2021, in which the real estate to be transferred was more particularly described as approximately 75.809 acres as shown on the Preliminary Plat of a survey made by Jeffrey Simmons, L.S., dated November 17, 2020, entitled PRELIMINARY PLAT ROCKINGHAM INDUSTRIAL PARK, a copy of which plat was attached to the Letter Agreement, and;

WHEREAS, the conditions for transfer have been met;

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of Rockingham County, Virginia, hereby authorizes the County Administrator and the County Attorney of Rockingham County to complete the transfer of title of the real estate described in the Performance Agreement and the Agreement Letter described above to Veronesi Real Estate LLC or its designated Affiliate, all as contemplated in the Performance Agreement and the Agreement Letter.

Given under our hand this twenty-third day of March
in the year two thousand twenty-two, A.D.

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ASSISTANT COUNTY ADMINISTRATOR FOR DEVELOPMENT.

The Board received and reviewed Mr. Armstrong’s staff report dated March 23, 2022.

Mr. Armstrong noted that the County had a vacancy for the alternate on the Metropolitan Planning Organization (MPO), and recommended Rachel Salatin for appointment. Mr. Armstrong also recommended Ms. Salatin to serve as a voting representative on the MPO Technical Advisory Committee, with Kayla Yankey to serve as the alternate on the MPO Technical Advisory Committee.

Mr. Armstrong indicated the Board will need to nominate a representative to serve on the Central Shenandoah Planning District Commission (CSPDC), as Steve Schofield does not wish to be reappointed.

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 appointed Rachel Salatin to serve as an alternate on the Metropolitan Planning Organization (MPO); appointed Rachel Salatin to serve as a voting representative on the MPO Technical Advisory Committee; and, appointed Kayla Yankey as the alternate on the MPO Technical Advisory Committee.

Mr. Armstrong reported that the Economic Development department is considering a grant program for the County’s incorporated towns. He recalled that the County increased the transient occupancy tax (TOT) for hotels and bed and breakfasts from two cents to five cents in 2019. Mr. Armstrong reported that three of the five cents collected must be spent on tourism activities. Currently, there is approximately one million dollars available.

The proposed program would consist of a 12-month application period for Towns to apply for funds specifically used for tourism-related projects, capital projects, or marketing campaigns. In addition, projects completed within the last 12 months meeting the criteria will be eligible for reimbursement.

Mr. Armstrong informed the Board, if approved, staff would like to open the application period July 1, 2022.

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE & OPERATIONS.

The Board received and reviewed Mrs. Davidson’s staff report dated March 23, 2022.

FINANCE COMMITTEE

Fire and Rescue Reserve Engine - FY2021-2022 Supplemental Appropriation

Chief Holloway discussed the ongoing challenges the County and its incorporated fire stations experience as a result of fire engines that are out-of-service. He indicated there is a shortage of repair parts and said repair shops are behind schedule and not able to determine when repairs can be made.

Chief Holloway indicated the County’s Fire and Rescue department does not have a reserve engine available if another engine goes out-of-service. Staff priced used engines with ten years of reserve status. A 2007 Pierce Fire Engine was located at a price of \$105,000.

On behalf of the Finance Committee, Supervisor Chandler made a motion, seconded by Supervisor Kyger, to approve a supplemental appropriation of \$105,000 to purchase a used 2007 Pierce Engine.

Supervisor Ritchie indicated he would like to know more about the finances of the local fire departments first.

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 approved the supplemental appropriation of \$105,000 to purchase a used 2007 Pierce Engine.

Supplemental Appropriation: \$105,000

\$ (105,000) GL Code: 1001-09110-00000-000-505800-000 Contingency
\$ 105,000 GL Code: 1001-03202-00000-000-508005-000 Other Professional Services

Mrs. Davidson indicated the County purchased a used ladder truck in 2016 from the City of Harrisonburg. The ladder truck was used by the Port Republic Road and Bridgewater fire stations and is now out-of-service. Estimates for initial repairs total \$100,000.

In the meantime, Chief Holloway worked with Atlantic Emergency Solutions for a potential purchase of a Pierce Engine and Ladder Truck. A fire truck with 35,816 miles and 2,271 engine hours was located at a price of \$1,174,930. Staff recommended the immediate purchase of the ladder truck to avoid delays in response time for emergencies requiring a ladder truck.

Staff recommended the funds for the purchase be appropriated from the fund reserve, noting the amount is above the 15 percent minimum fund balance policy. If approved, a purchase order could be issued on March 24, 2022.

Supervisor Ritchie wanted to confirm that if the fire truck is purchased, it will be dedicated for use by Rockingham Country Fire and Rescue. Administrator King confirmed and said the purchase will replace a County Fire & Rescue truck. He indicated the old truck that is out-of-service will likely be added to the list of surplus items.

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 supplemental appropriation of \$1,174,930 to purchase a ladder truck with 35,816 miles and Pierce engine with 2,271 engine hours from Atlantic Emergency Solutions.

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

Mr. Rhodes reported a small water valve leak on Shen Lake Drive (Route 689) will require a substantial number of customers to be without water while it is repaired. He noted a reverse 911 notification would be sent to all affected customers.

Administrator King noted that he, Philip Rhodes, and Mark Hensley walked through the Massanutten Water and Sewer System on March 22, 202, along with engineers and consultants from Peed & Bortz. Mr. King remarked that Mark Hensley’s expertise in the field provided invaluable input.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

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

Ms. Cooper requested the Board’s support for staff to evaluate how other localities address hunting and recreational cabins. She indicated Mr. Getz will take the lead on the project.

Supervisor Kyger confirmed that pre-existing facilities would be grandfathered in.

The Board had no objections with staff proceeding with the research and evaluation of hunting and recreational cabins in other jurisdictions in Virginia.

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RECESS.

At 7:05 p.m., Chair Wolfe-Garrison recessed the meeting.

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PUBLIC HEARINGS.

OA22-690 TABLE 17-606

At 7:10 p.m., Chair Wolfe-Garrison reconvened the meeting and opened the public hearing. Zoning Administrator Getz reviewed OA22-690, to add cabinet, furniture, woodworking, and upholstery shop as a special use in A-1 (Prime Agricultural) zoning district.

Mr. Getz indicated a citizen who received a special use permit for a woodworking shop in 1997 wishes to expand his business. The current ordinance does not allow for that. Mr. Getz noted that the Planning Commission recommended approval of the amendment on March 1, 2022.

No one from the public spoke.

At 7:13 p.m., Chair Wolfe-Garrison 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 adopted the following ordinance amendment:

**ORDINANCE
AMENDING TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

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	PS F	PM F	PG	R-4	R-5	M H-1	M HP	M XU	B-1	B-2	BX	P C D	PM R	I-1	PI D	S-1
Cabinet, furniture, woodworking, upholstery shop	SU	SU	SU							P					P	P	P	P			P		

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

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

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SUP22-765 SHEILA REEDY

At 7:14 p.m., Chair Wolfe-Garrison opened the public hearing and Zoning Administrator Getz reviewed the following special use permit request:

SUP22-765 Shelia Reedy, 480 Coyote Run, Broadway VA, for a private cemetery, located on the west side of Hawse Road (Route 878) approximately 0.5 mile north of Hollar School Road (Route 753). Zoned A-2 (General Agricultural). Tax Map #49-(A)-L105. Election District 2.

Supervisor Kyger asked if private cemeteries require recordation in the Clerk's office. Mr. Getz indicated it is not a requirement of the zoning ordinance, but said that a condition could be placed on the special use permit. Supervisor Kyger suggested the requirement that a plat be recorded in the Court for all future private cemeteries.

Ashley Mundy, the applicant's daughter, requested that the special use permit be approved so her mother can be laid to rest with her father.

Chair Wolfe-Garrison requested that a plat of the cemetery be included in the land records.

At 7:17 p.m., Chair Wolfe-Garrison closed the public hearing.

On behalf of Chair Wolfe-Garrison, 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 SUP22-765, Shelia Reedy, 480 Coyote Run, Broadway VA, for a private cemetery, located on the west side of Hawse Road (Route 878) approximately 0.5 mile north of Hollar School Road (Route 753). Zoned A-2 (General Agricultural). Tax Map #49-(A)-L105. Election District 2.

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SUP22-828 BERNABE MENDEZ

At 7:18 p.m., Chair Wolfe-Garrison opened the public hearing and Zoning Administrator Getz reviewed the following special use permit request:

SUP22-828 Bernabe Mendez, 79 Hayneswood Lane, New Market VA, for a small contractor's business located on the west side of North Valley Pike (Route 11) approximately 0.25 mile north of Great View Lane (Private). Zoned A-2 (General Agricultural). Tax Map #42-(A)- L24A. Election District 1.

Mr. Getz noted the applicant would like to repurpose a building on his property to use for his welding business. It is also proposed that in the future, Mr. Mendez could construct a building up to 5,000 square feet in the same vicinity of the building being repurposed.

No one from the public spoke regarding the special use permit request.

At 7:20 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Ritchie, 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 SUP22-828, Bernabe Mendez, 79 Hayneswood Lane, New Market VA, for a

small contractor's business located on the west side of North Valley Pike (Route 11) approximately 0.25 mile north of Great View Lane (Private). Zoned A-2 (General Agricultural). Tax Map #42-(A)- L24A. Election District 1.

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REZ22-025 ALISON CASEY

At 7:20 p.m., Chair Wolfe-Garrison opened the public hearing and Land-Use Planner Yankey reviewed the following request:

REZ22-025 Alison Casey, 3801 Peter Paul Lane, Dayton VA. This request is to rezone 1.512 acres from R-2 (Medium Density Residential) to A-2 (General Agricultural). The property is located off Silver Lake Road (Route 701) on Peter Paul Lane. Tax map #107-(11) - L3. Election District 2.

The Planning Commission recommended approval on March 1, 2022.

In response to a question from Supervisor Ritchie, applicant Ms. Casey said she is starting a small flower farm, but there will not be any sales on her property.

Ms. Casey further explained that she did not originally realize the property was divided into A-2 and R-2 zoning districts. When Ms. Casey realized she was not allowed to sell anything in R-2, she requested that her property be rezoned to A-2.

At 7:24 p.m., Chair Wolfe-Garrison closed the public hearing.

Chair Wolfe-Garrison stated that the request is to rectify the split zoning issue, placing the small flower farm in A-2.

On behalf of Chair Wolfe-Garrison, on motion by Supervisor Kyger, seconded by Supervisor Breedon, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDON – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved REZ22-025, Alison Casey, 3801 Peter Paul Lane, Dayton VA. This request is to rezone 1.512 acres from R-2 (Medium Density Residential) to A-2 (General Agricultural). The property is located off Silver Lake Road (Route 701) on Peter Paul Lane. Tax map #107-(11)- L3. Election District 2.

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REZ22-023 NORTHSIDE GATEWAY PLAZA

At 7:25 p.m., Chair Wolfe-Garrison opened the public hearing and Ms. Yankey reviewed the following request:

REZ22-023 Northside Gateway Plaza, c/o Holtzman Oil Corporation, P.O. Box 8, Mt Jackson VA. This request is to rezone 0.908 acre west of North Valley Pike (Route 11) and directly north of the intersection of Mt Clinton Pike from A-2 (General Agricultural) to B-1 C (General Business with Conditions). Tax Map #94-(A)-L138. Election District 2.

Mrs. Yankey noted that the applicant offered proffers to address pedestrian access, maintain an open access point at the northeastern border of the property, and architectural components for structures and landscaping along street frontages.

Mrs. Yankey reported that the Planning Commission recommended approval by a 5-0 vote on March 1, 2022.

Attorney Todd Rhea from Clark and Bradshaw P. C. represented the applicant. Mr. Rhea explained that the consolidated parcel is along an underserved corridor on the city-county line, which fronts on Mt. Clinton Pike and North Valley Pike (Route 11). He indicated an access road will remain open for use by the County Fire and Rescue station being constructed north of the Harrisonburg city limits at the County's Innovation Village. He said Mr. Holtzman is committed to cooperating with the City and County and will ensure the future intersection will be properly coordinated to allow free-flowing access for fire and rescue vehicles to egress the site.

Ed Blackwell from Blackwell Engineering was present to answer questions.

In response to questions from Chair Wolfe-Garrison, Mr. Rhea confirmed the proposed location of the streets and cut-through and indicated there will be traffic-calming measures to discourage motorists from using that area as a cut-through. City staff expects to receive a response from the City Council regarding the rezoning request in April, he said.

Chair Wolfe-Garrison noted rezoning request REZ22-023 is in District 2, and said that County staff held lengthy discussions with the applicant's representatives. There are some concerns about future access to the Fire and Rescue emergency services building, but staff feels confident those concerns can be addressed in an acceptable manner, she said.

At 7:31 p.m., Chair Wolfe-Garrison closed the public hearing.

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, subject to the attached proffer statement, approved REZ22-023 for Northside Gateway Plaza, c/o Holtzman Oil Corporation, P.O. Box 8, Mt Jackson VA, to rezone 0.908 acre west of North Valley Pike (Route 11) and directly north of the intersection of Mt Clinton Pike from A-2 (General Agricultural) to B-1 C (General Business with Conditions). Tax Map #94-(A)-L138. Election District 2.

(A copy of Northside Gateway Plaza's proffers are attached to and made a part of these minutes)

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SUP22-713 MICHAEL MOHRWINKEL

At 7:32 p.m., Chair Wolfe-Garrison opened the public hearing and Zoning Administrator Getz reviewed the following request:

SUP22-713 Michael Mohrwinkel, 3976 Homestead Road, Elkton VA, for a campground located on the west side of Homestead Road (Route 884), approximately 1 mile west of North East Side Highway (Route 340). Zoned A-1 (Prime Agricultural). Tax Map #114-(A)- L224. Election District 5.

Mr. Getz indicated campgrounds require campsites to be 100 feet from property lines. He also noted Homestead Road dead-ends at the river. The applicant's request is for one tent site and a second site with a small shed, which will be converted to a primitive cabin with no water or septic, he said.

The applicant explained that two and a half years ago he posted his property on Airbnb for primitive camping. He said interest grew during the COVID pandemic. He does not want a commercial campground or RV park. Mr. Mohrwinkel said that he had not always been the best at overseeing campers on his property.

Neighbor, Ken Surber, said Mr. Mohrwinkel purchased the single-family house and started adding extra bedrooms to rent on Airbnb. Mr. Surber indicated issues started soon

after the applicant started advertising the house on Airbnb. Mr. Surber said campers use his driveway to access Mr. Mohrwinkel’s property and his steps to access to the river. He indicated the Airbnb brings a lot of traffic on the dead-end road and said there are often six or seven tents on the property in front of his home without any bathroom facilities.

Adjoining landowner Dale Shifflett stated that the applicant has been in business a year or more with no permit and no bathroom facilities. Mr. Shifflett said he has animals, which the applicant advertises for petting. Mr. Shifflett said he and his son have had to clean up human waste, toilet paper, beer cans, and have had to extinguish fires that were burning after campers left. Mr. Shifflett expressed concern that the campsites will devalue his property, and said he is opposed to a campground in this community.

David Manzano, who owns a farm downstream from Mr. Mohrwinkel’s property, said he obtained 41 signatures of opposition. Mr. Manzano noted there is no parking capability, and no one to oversee the campers. His primary concerns are traffic, and human waste in the river where his family swims. Mr. Manzano also expressed concern about the downstream impact of waste and requested that the Board deny the special use permit.

In response to a question from Supervisor Breeden, Mr. Getz said the special use permit applies to the campground only and is not associated with Mr. Mohrwinkel’s house. Chair Wolfe-Garrison said the primitive campsite is separate from the Airbnb.

At 7:52 p.m., Chair Wolfe-Garrison closed the public hearing.

Supervisor Breeden indicated he was familiar with the property and knows Mr. Mohrwinkel well. He stated this is not a proper location for this use.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board denied SUP22-713 for Michael Mohrwinkel, 3976 Homestead Road, Elkton VA, for a campground located on the west side of Homestead Road (Route 884), approximately 1 mile west of North East Side Highway (Route 340).

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RECESS.

At 7:54 p.m., Chair Wolfe-Garrison recessed the meeting.

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RECONVENE PUBLIC HEARINGS.

REZ21-330 REDEEMER CLASSICAL SCHOOL

At 7:58 p.m., Chair Wolfe-Garrison reconvened meeting and opened the public hearing. Land-Use Planner Yankey reviewed the following request:

REZ21-330 Redeemer Classical School, PO Box 737, Harrisonburg VA. This request is to rezone 6.95 acres on the east side of Indian Trail Road (Route 717) north of Mountain Valley Road (Route 620) from A-2 (General Agricultural) to RV (Rural Village). Tax Map #126A-(A)- L5. Election District 3.

Mrs. Yankey indicated the school is located very close to Indian Trail Road, which is a state road. Mr. Getz explained that rezoning the property to Rural Village (RV) would allow the school, with the expansion of the building, to be closer to Indian Trail Road.

Mr. Getz indicated the rezoning was requested due to a set-back issue. He said the school could apply for a special use permit to expand under A-2 zoning, but there would be larger setbacks to deal with and the expansion would probably have to move further away from Mountain Valley Road and Indian Trail Road. Mr. Getz said some of the proposed expansion is at the back of the property where it would not matter if the zoning were A-2 or RV.

Mr. Getz confirmed for Chair Wolfe-Garrison that RV zoning would allow the school to be closer to the state road, and would decrease the setback about 25 feet, which would provide more property to work with. Mr. Getz noted expansion in that direction is relatively small and that laying the bank back may improve the sight distance on Indian Trail Road.

Ron Hoch, the head of Redeemer Classical School, said the rezoning is for the front part of the school building, which is nonconforming with the existing setbacks. He noted that without the rezoning, if that area of the school is damaged it could not be rebuilt in the same way.

Mr. Hoch explained that another issue is the proposed front addition, which is part of the special use permit and is at the far southwest corner of the building. Since it would be within that setback, the rezoning allows the school to go from a 35-foot setback to a 10-foot setback, which allows both the proposed new structure and the existing structure to no longer be nonconforming.

In response to a question from Chair Wolfe-Garrison, Mr. Getz said the setback requirement is 35 feet and RV zoning reduces the setback to 10 feet.

In response to several questions from Chair Wolfe-Garrison, Mr. Hoch did not know the exact footage of the front corner of the building, but said the parcel contains 6.5 acres. When Chair Wolfe-Garrison asked if the addition could be in another part of the building that is not as close to the road, Mr. Hoch responded that the problem with that is that the school uses a septic system. As the school expands, they will need more space for a larger septic system, as well as reserve space. Mr. Hoch said there is not much land to be used and still provide parking, a driveway, and other necessities.

Gil Colman from Colman Engineering PLC, one of the consultants working with the school, referred to a drawing that shows what could occur or what may be developed on the property. The school's desire is to respect the historic building that is there. Mr. Colman noted Colman Engineering staff have been working with the County on rural urban areas in the County so they may become compliant. He stated there are a lot of houses near Indian Trail Road.

Mr. Getz stated this is the first rezoning request to an RV district the County has received since adopting the setback reduction.

In response to another question about how close the setback is to the road, Mr. Colman thought it was important to have a fence because the corner of the parcel is steep. He noted Colman Engineering is trying to work with the school to lay back the slope so when people round the corner, they can see the oncoming traffic toward the north.

Mr. Colman said this building addition is part of one project the school has planned. He indicated future buildings shown on the drawing are aspirational and may occur at some point in the future; but it will be a phased-in process.

Mr. Colman said the School rezoning speaks directly to the County's new allowances in rezoning small towns in the County to rural villages, while also allowing current structures that encroach on a setback to be compliant. He noted that by moving the setback forward toward the road, the current building will also be compliant.

Supervisor Chandler pointed out that the front addition appears to be further away from Indian Trail Road than the existing building, as it is being proposed. He noted that if the drawing is accurate and the front of the proposed building is inset, that places the

building 45.73 feet from the setback. Since the building only needs to be 35 feet from the setback, Redeemer Classical is not in violation of the front setback.

Dick Lamb, who lives in Keezletown, expressed opposition to the request. He questioned if the expansion of Indian Trail Road was taken into consideration. Mr. Lamb said by moving the setback of the parcel closer to the road, if there is further expansion of the school and Indian Trail Road needs to be expanded it will have to be widened on the other side of the road, which will place the burden on those residents. He said that should be addressed before anything else due to traffic concerns.

In response to Chair Wolfe-Garrison, it was noted that buildings could be erected at the location of the current parking lot.

Stacy Long added that Marston's Garage is along Indian Trail Road, and if the road is expanded, two houses may need to be torn down.

Supervisor Chandler indicated that during previous conversations with VDOT staff, it was noted that if any changes are made on Indian Trail Road, they will be a long time in the future. He said VDOT staff also informed him that with the steep bank and the wall that is currently there, Indian Trail Road cannot be expanded.

At 8:23 p.m., Chair Wolfe-Garrison closed the public hearing.

Supervisor Chandler addressed a previous question about Keezletown becoming a rural village, since Port Republic and other locations in the County have been declared rural villages. Mr. Chandler commented that a rural village would make more sense than an A-2 zoning. In addition to the reasons already mentioned, Supervisor Chandler said if the proposed addition is accomplished, it will not encroach on the narrowness of the existing building.

Supervisor Chandler said, in consideration of the school and other areas of Keezletown, he recommended approval of rezoning request REZ21-330 for Redeemer Classical School. Supervisor Kyger seconded the motion.

Since the current building does not comply with current zoning requirements, Chair Wolfe Garrison asked if anything needed to be done to correct the noncompliance, or whether it could continue to be in a noncompliant existence.

Mr. Getz responded that the term used is "valid legal nonconforming". The school is not in violation because the structure was built before the County had zoning. He said it is legal for the structure to be there, but it does not comply with the current zoning ordinance. Mr. Getz noted many people would say it is "grandfathered in."

Chair Wolfe-Garrison questioned if the zoning is granted, whether the entire six acres would be permitted for expansion within ten feet of all roads. Mr. Getz stated that would be the case for all "State roads".

Chair Wolfe-Garrison asked what the setback would be for adjoining parcels; and if there was a setback for building purposes in the rural village zoning designation to protect adjoining property owners. Mr. Getz responded that the difference is that the setback for rural villages is 10 feet on the sides and 20 feet in the rear, so it is only a five-foot difference in the rear and the sides. That is not a substantial change from the agricultural zoning which is 15 feet on the sides and 25 feet in the rear.

Mr. Getz indicated that staff is concerned about front setbacks for buildings on streets in a rural village; that is the main place staff has seen issues.

Chair Wolfe-Garrison asked if the County has a written guarantee from VDOT indicating they will lay back the bank to improve visibility. Mr. Getz indicated that is shown on the site plan which VDOT submitted. Approval of a special use permit requires that upon

completion of the project, it will be in substantial accordance with the site plan submitted. Mr. Getz said during meetings with VDOT, their staff said the lay back of the bank would improve site distance on Indian Trail Road.

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 REZ21-330, Redeemer Classical School, PO Box 737, Harrisonburg VA. This request is to rezone 6.95 acres on the east side of Indian Trail Road (Route 717) north of Mountain Valley Road (Route 620) from A-2 (General Agricultural) to RV (Rural Village). Tax Map #126A-(A)- L5. Election District 3.

Chair Wolfe-Garrison stated she voted “Nay” because she is uncomfortable with the ten-foot setback from the road.

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SUP21-330 REDEEMER CLASSICAL SCHOOL

At 8:28 p.m., Chair Wolfe-Garrison opened the public hearing, and Zoning Administrator Getz reviewed the following request:

SUP21-330 Redeemer Classical School, PO Box 737, Harrisonburg VA, for an addition to a school located on the east side of Indian Trail Road (Route 717) north of Mountain Valley Road (Route 620). Zoned A-2 (General Agricultural). Tax Map #126A-(A)- L5. Election District 3.

Ron Hoch stated the school has grown steadily and would like to offer pre-K through 12th grade classes. Their goal is to grow strategically and have an enrollment of 300 to 350 students. However, they are concerned about the traffic flow and safety on the Keezletown roads.

Mr. Hoch indicated the school would like to change the pickup and drop-off location for students. He noted traffic does not back up every day, but when it does, it is backed up for approximately five minutes at a time. He said the current school parking lot can only accommodate 20 vehicles, but if the special use permit is approved, they estimate 61 vehicles can be stacked up. That would triple the number of cars that can pull onto their campus and reduce traffic backups on Keezletown roads. Currently, children from 116 families attend Redeemer Classical, with approximately 100 vehicles dropping off and picking up students each day. The school is exploring the possibility of purchasing buses and vans to transport children and reduce traffic, Mr. Hoch said.

Mr. Hoch noted one of the biggest issues is the closing of the school parking lot entrance from Indian Trail Road. This is a VDOT concern, but school personnel think it helps pull traffic onto their property. He agreed that there is a sight distance issue looking north on Indian Trail Road but noted school staff would like for the retaining wall to be removed and the hillside terraced to improve visibility. Mr. Hoch noted there is also a blind hill on Mountain Valley Road. He said school personnel have asked VDOT to lower the blind hill or put in other traffic control measures to alert motorists to drive slower around the turn.

Mr. Hoch stated Redeemer Classical wants to be a good neighbor, but he knows when traffic backs up, it impacts Ms. Long, who lives near the school. Mr. Hoch said he would like to work with the Board and County staff to make the area around the school safer, while continuing to preserve history.

Mr. Hoch indicated Phase I of the school expansion will alter the traffic pattern, increase the size of the building, and expand the breezeway. The remaining upgrades are anticipated to occur in five to ten years, he said. Phase I would include a traffic loop to use during low-traffic times. During high-traffic times, the school’s existing gravel driveway will be utilized to stack vehicles.

Travis Dorman noted his family has a long history in the County, with several of his family members attending Keezletown School. He has three children who attend Redeemer Classical School, and he has coached sports at the school. Mr. Dorman said the school has grown and made renovations to ensure it exists a long time, so he hopes the Board will approve the request.

Joe Coffman said he and his father attended Keezletown School. He lives 200 yards from the school and indicated traffic has not been much of a problem for him. Mr. Coffman stated his only problem is where Mountain Valley Road (Route 620) intersects with Spotswood Trail (Route 33) because the traffic signal only allows time for three vehicles to get out. He stated there are often 20 to 25 cars backed up at the traffic light.

Jennifer Aulgur lives in McGaheysville and has two children who attend Redeemer Classical. She thinks the school is being thoughtful by anticipating growth five to ten years down the road. Ms. Aulgur noted t-ball is offered at the school and a church meets in the school. If the Board approves the special use permit, Ms. Aulgur hopes those activities will continue.

Dusty Burchnall lives directly behind the school's ball field, and he agreed that school staff has been supportive. Mr. Burchnall's biggest concern is traffic. He thinks if VDOT allows the school entrance from Indian Trail Road to remain open, the traffic situation will improve. In response to a question from Chair Wolfe-Garrison, Mr. Burchnall said he accesses his home from Mountain Valley Road.

Bret Kerns, a Redeemer Classical School Board member, said his children attend the school. He noted Redeemer Classical is a member of the community and wants to be actively involved. They have a good relationship with the baseball league and sponsor leagues. Their playground is open to the community, and they recently built a new pavilion which is a nice facility for the community to enjoy. The school also partners with the Keezletown Ruritan Club in the annual Christmas tree lighting and helps serve food at Ruritan meals. Mr. Kerns said the school is always open to ideas about how to be a better neighbor.

Stacy Long noted her driveway merges into Redeemer Classical. Her children do not get off the County school bus at her house, because they were nearly clipped by a car; she walks her children across the road to get on and off the school bus. Ms. Long said Keezletown Road will be busier if the school parking lot is closed from Indian Trail Road. She also noted the road ices over during inclement weather and motorists traveling too fast slide down the hill. She indicated the only reason some people do not wreck is because they can slide into the school parking lot along Indian Trail Road. She questioned why VDOT wants to close an entrance that works.

William Liskey indicated his daughter lives in a house that sits on the blind hill. If the hill is shaved down, he noted some yards would also need to be shaved, which would place the driveways at a very steep angle. He said moving the school entrance west will help some motorists and not others. Mr. Liskey noted he has been in line longer than five minutes waiting on traffic to clear. If the school population increases, he does not know where Redeemer Classical School will fit 300 cars, which will double the traffic in that area. Mr. Liskey suggested vehicles exit the school onto Indian Trail Road.

Dick Lamb said Redeemer Classical is a great school, but people who live in Keezletown do not have yards. He said additional traffic could make it impossible to travel to Spotswood Trail (Route 33). Mr. Lamb suggested the school provide a firm plan regarding how they will reroute the traffic.

Erin Williams said she loves Redeemer Classical School but has almost been hit coming out of her driveway, and her son arrives at school late because she is unable to exit her driveway. She thinks if all the vehicles going to Redeemer Classical travel in and out one entrance, the traffic will be worse, especially during inclement weather when motorists cannot get up the hill. Ms. Williams stated there have been a lot of accidents already, and she thinks traffic needs to travel from Mountain Valley Road onto Indian Trail Road.

Supervisor Kyger suggested staggering the arrival and departure times of students by grade level.

Supervisor Kyger was informed that that Rockingham County Schools had been contacted and they were not able to change the bus route, and Redeemer Classical School had been asked to consider staggering the arrival and departure times of students.

Mr. Hoch noted there are currently 197 students at the Redeemer Classical School, and the school currently staggers pick up and drop off times.

Chair Wolfe-Garrison asked staff from Redeemer Classical School about their timeframe to begin construction if the special use permit is approved. Mr. Hoch said they hope to start construction during the first quarter of 2023, but the school needs to have 50 percent of the construction costs on hand before the project begins.

Supervisor Chandler said he had several discussions with VDOT about safety concerns, and VDOT’s first suggestion was to reduce the height of the hill as much as possible. VDOT said the amount of height they can reduce depends on safety issues.

Supervisor Chandler said he would ask VDOT to reconsider closing access to the school from Mountain Valley Road, and request a sign be placed at Ms. Williams’ driveway indicating it not be blocked. Supervisor Chandler had previously recommended that VDOT place speed limit signs around the school and add rumble strips. He will also ask VDOT to place both a regular sign, and a flashing sign to inform drivers how fast they are traveling, at the curve near the school. Supervisor Chandler thought it may also be beneficial for residents to place signs in their yards ford motorists to slow down.

Supervisor Chandler recommended traffic enter the school from Mountain Valley Road and exit onto Indian Trail Road and said VDOT is willing to look at ingress and egress options for the school again.

On motion by Supervisor Chandler, 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 tabled SUP21-330 for Redeemer Classical School, PO Box 737, Harrisonburg VA, for an addition to a school located on the east side of Indian Trail Road (Route 717) north of Mountain Valley Road (Route 620) until further traffic review.

Chair Wolfe-Garrison indicated Supervisor Chandler would be in communication with the members attending on behalf of the School.

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RECESS.

At 9:18 p.m., Chair Wolfe-Garrison recessed the meeting.

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CLOSED MEETING.

At 9:22 p.m., Chair Wolfe-Garrison reconvened the meeting.

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 recessed the meeting from 9:23 p.m. to 9:47 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 CHANDLER

RESOLUTION NO: 22-05
MEETING DATE: March 23, 2022

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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ADJOURNMENT.

Chair Wolfe-Garrison declared the meeting adjourned at 9:48 p.m.

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Chair