

March 24, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, March 24, 2021, 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 was absent.

Also present:

- RENEE A. REED, School Board Member, Election District #3
- DR. OSKAR SCHEIKL, School Superintendent
- CHERYL Y. MAST, Schools Chief Financial Officer

BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Zoning Administrator
- CARLEY A. STACKPOLE, Code Compliance Officer
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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

Chair Chandler called the meeting to order at 6:02 p.m.

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

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of March 10, 2021.

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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 informed the Board that the amount of traffic on Pleasant Valley Road (Route 679) does not merit the addition of a turn lane, but he strongly recommended adding a turn lane when the Pleasant Valley Road bridge over Interstate 81 is replaced. Supervisor Wolfe-Garrison questioned if the addition of a turn lane could be a safety factor since there are multiple schools on Pleasant Valley Road. Mr. Komara stated he would continue to stress the importance of a turn lane.

Mr. Komara noted VDOT received the environmental approval for Williamsburg Road (Route 782) and will begin road work on April 1, 2021. VDOT removed trees and started removing stumps on Swope Road (Route 736).

Maintenance items included patching potholes, boom axing, brush cutting, shoulder ditching, road grading, replacing pipes, preparing for dust control, and working on the Secondary Six-Year Improvement Program for gravel roads.

Supervisor Wolfe-Garrison asked if there will be a detour for Swope Road, since large farm equipment uses that road. Mr. Komara responded that there will be flagmen on both ends of the road and indicated farm equipment will be able to get through. When Supervisor Wolfe-Garrison asked whether the goal is to pave as many gravel roads in the County as possible, Mr. Komara indicated the volume of traffic and speed limit increases as there is more development on roads. He explained that a road needs to have at least 50 vehicular trips a day to be paved. If the traffic count is only 50 to 70 cars, it is cheaper to maintain the road with gravel. Mr. Komara stated he would like to hard surface as many roads as possible but is limited by funding.

Mr. Komara said VDOT performs paving inhouse to stretch funds. Improving roads inhouse requires less work up front, and VDOT does not have to design as much of the road. Mr. Komara said VDOT tries to gravel roads that have a lower volume of traffic every three to four years, and he assured Supervisor Wolfe-Garrison that tractors and buggies are included in vehicle counts.

Supervisor Kyger asked Mr. Komara to check on the posted speed limit on Tilghman Road (Route 902). He requested a vehicle count and speed data in the area of Tilghman Road, noting that a citizen disagrees with the results of the last study.

Supervisor Kyger stated the federal part of Tilghman Road that crosses the United States Forestal Bridge abruptly turns to a dirt road. He indicated dust control was expanded last year and asked if the Rangers would be opposed to VDOT posting speed limit signs, to match similar roads, so the speed limit can be enforced on Tilghman Road.

Supervisor Kyger expressed concern about trees on sharp turns along Lady Bug Road (Route 749) that make it difficult for buses to navigate. Mr. Komara said he had requested that his Superintendent meet with the landowner to determine what can be done to improve the situation. Mr. Komara said this is a great safety improvement project but will require a concerted effort. Supervisor Kyger noted that when farm equipment and a bus meet on the turns, one has to back up.

Supervisor Kyger reminded citizens of the presentation provided by the Virginia Extension Service and asked that VDOT teams dispose of atlantas trees in all rights-of-way to eliminate the spotted lanternfly in the County and protect crops.

Chair Chandler requested that VDOT revisit Massanetta Springs Road (Route 687).

Mr. Komara asked Board members to inform him of any Revenue Sharing or Transportation Alternatives Program (TAP) grants they would like to pursue. He mentioned the left turn lane on Bowman Road (Route 732) going to Wilbur Pence Middle School from

John Wayland Highway (Route 42 North), is too short for the amount of bus traffic. He would like to extend that turn lane and may be able to bundle it with other small projects.

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ROCKINGHAM COUNTY PUBLIC SCHOOLS FY 2021-2022 BUDGET PROPOSAL.

Dr. Oskar Scheikl, Rockingham County School Superintendent, introduced School Board Chair Renee Reed and Chief Financial Officer Cheryl Mast, who were in attendance.

Dr. Scheikl expressed appreciation to County staff for working closely with Schools and providing Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to Schools. He stated the County and Schools have a unique relationship, as Administrator King contacted him regularly to ask what Schools needed and how the County could help them. Dr. Scheikl reiterated the two entities work together well and said the County provided CARES Act funds to Schools, when other municipalities did not provide funding to schools in their jurisdiction.

Dr. Scheikl reminded the Board that last year he talked about approaching school differently and hands-on learning. As an example, Massanutten Technical Center students attended school every other day to obtain hands-on technical experience, while most high schools in Virginia remained closed. Next year, Schools will continue to focus on staff, and student health and safety, he said.

Although teachers have not seen many students during the last year, they are aware that students continue to suffer from abuse, obesity, and depression. Dr. Scheikl stated mental behavior and health play a huge role in learning needs.

Dr. Scheikl was very complementary of Fire Chief Jeremy Holloway as he was instrumental in determining what would help keep COVID from spreading. Schools worked with available research and purchased 500 portable air purifiers to protect students. Dr. Scheikl also credited Chief Holloway for his efforts in coordinating vaccinations for teachers.

The Best Practices model addresses mental and behavioral health with funds redistributed from other projects. Behavioral analysts are providing podcasts to schools across the country and provide programs to help children who are emotionally disturbed and have anger issues, so they can be integrated with other students.

Dr. Scheikl advised that students performed better on standardized tests than Schools anticipated because of virtual classes and less time focused on school.

Dr. Scheikl said Schools will provide devices for cameras to teach medically homebound students or those attending school virtually. They will also spend significant money on reading because there is an effort in Virginia to change how reading is taught.

Schools discussed providing a three percent pay increase for all staff at a total cost of approximately \$3,000,000. This follows a three percent mid-year cost of living adjustment. The state budget includes a five percent overall pay increase, with the localities contributing some money.

Dr. Scheikl said Schools will be adding behavior support assistants. This program allows the assistants to earn a college degree or receive an endorsement for working in the public school system. High school students who work well with young children, have been identified as educators and James Madison University (JMU) may provide them scholarships.

Schools will be adding computer science materials due to new standards, tutors for students learning English, and educational software.

Counselors and a school resource officer will be added at Rockingham Academy. Dr. Scheikl said there are increased requirements for Title 9 compliance. Teachers are added based on class sizes, and additional teachers are needed, Dr. Scheikl said.

Schools' total request from the County for FY 2021-2022 is \$68,366,510, with an increase of \$2.5 million from last year.

On behalf of the Board, Supervisor Kyger applauded Dr. Scheikl, school support staff, and teachers who made a lot of changes to continue teaching students.

Supervisor Ritchie asked if there were any items in the proposed budget request that Schools could manage without.

Dr. Scheikl responded by providing several examples. He explained that a salary increase is not mandatory but pointed out that the \$2.2 million in state funding is only available if a five percent raise is given to Schools' staff. Dr. Scheikl explained that if the three percent salary increase included in the requested Schools' budget is not provided to staff, there will be a loss in state funding. Dr. Scheikl indicated there are ways to reduce spending but emphasized that Rockingham County Public Schools is dedicated to providing a safe learning environment for all students and providing programs to ensure students' safety following a year and a half pandemic, which has significantly impacted their learning. He explained for children learning to read, there is an enormous gap from where students would have been if they had an additional year and a half in school and where they are currently. If Schools does not spend funds to improve the approach to reading, it is possible to reduce the budget, but will it negatively impact the students, he said.

Supervisor Wolfe-Garrison thanked Dr. Scheikl and the School Board members for their input on the budget and expressed appreciation for the important decisions they continue to make during the pandemic.

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

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INTENT TO ADOPT ORDINANCE TO AMEND SECTION 7-77 OF THE ROCKINGHAM COUNTY CODE INCREASING THE FOOD AND BEVERAGE TAX AND INTENT TO ADOPT AN ORDINANCE ENACTING A CIGARETTE TAX.

Supervisor Kyger indicated the Finance Committee discussed the two items at great length and announced an intent to adopt an ordinance amendment increasing the food and beverage tax; and an ordinance enacting a cigarette tax. He noted public comments will be received on April 14, 2021 at 6:00 p.m., during the budget process.

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PUBLIC HEARING – PROPOSED FY 2021-2022 WATER AND SEWER RATES.

At 7:11 p.m., Chair Chandler recessed the regular meeting for a public hearing regarding proposed Rockingham County water and sewer rate increases.

Mrs. Davidson reviewed the proposed rate increases. It is proposed to increase the minimum base water usage from 3,500 gallons to a minimum of 4,000 gallons per month; and increase the water rate from \$12.50 to \$15.00 per gallon for the minimum usage, with usage over 4,000 gallons costing \$4.00 per 1,000 gallons.

Mrs. Davidson said the proposed sewer rate increase for the base sewer usage of 1,000 gallons is from \$6.00 to \$7.00 for the first minimum, and usage over 1,000 gallons will increase from \$5.15 to \$5.40 per month for each additional 1,000 gallons of sewage.

Based on a typical bill for a resident, Mrs. Davidson indicated a water and sewer bill will increase \$2.80 a month from \$44.80 to \$47.60. If the increases are approved, the change will result in about a half million dollars in revenue for the water and sewer fund. This will help fund a portion of expansions and upgrades and cover any Capital Improvement Plan (CIP) projects that may be needed over the next five years, she said.

Mrs. Davidson stated the public hearing has been advertised properly.

Robert Spiller from Penn Laird said he supports the County’s effort to properly fund the water and sewer. He was glad to hear the water rate for over 4,000 gallons is not a flat charge, but for each additional 1,000 gallons, which he indicated was not clear in the newspaper advertisement. Mr. Spiller noted the greatest percentage of increase is for the smallest users. He calculated that the use for a typical user is about 5,000 gallons. Mr. Spiller noted that according to his calculation, the smallest users are being charged four times the rate of their current water usage and 3.4 times more than their current sewer usage rate.

Mr. Spiller said that may be logical, but he hopes the County Public Works department has a cost-of-service analysis that indicates the small users are costing the County’s system four times as much as the big users.

At 7:16 p.m., Chair Chandler closed the public hearing.

Supervisor Kyger indicated the Finance Committee reviewed the proposed water and sewer rate increases, but he was not sure he could answer the points Mr. Spiller made.

Administrator King said the County evaluated the revenue needed to cover expenses. The County has a Capital Improvement Plan (CIP) for the next 20 years; and includes a pump station upgrade near Montevideo Middle School in Penn Laird, which is related to the County’s service, not for the school’s use. He said all customers are charged the same rate once they exceed the minimum rate for 4,000 gallons of water.

Administrator King said it is common in most systems for the higher users to receive a reduced rate, but that is not the case with the County water and sewer system. He said he is very confident with how the County spends money and is comfortable with the proposed rates.

Administrator King said he was not sure if he could address Mr. Spiller’s specific methodology, but the County performed an evaluation and has performed its due diligence. He indicated the proposed rates, combined with the connection fees, are needed to cover the water and sewer expenses.

Supervisor Kyger indicated the water and sewer fund is an enterprise fund with the users paying the fees rather than the general fund. Citizens in one area do not pay for services used by a citizen in another area, he said.

On behalf of the Finance Committee, on motion by Supervisor Kyger, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Finance Committee adopted the following County water and sewer rates, effective for usage after July 1, 2021:

<u>Water</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>% Increase</u>
Base Rate (up to 4.0kgal)	\$ 12.50	\$ 15.00	20%
*Note: changed the base from 3.5kgal to 4.0kgal			
Over 4,000 gallons	0 .8 \$ 3	\$ 4.00	5%
<u>Sewer</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>% Increase</u>
Base Rate (up to 1kgal)	\$ 6.00	\$ 7.00	17%
Over 1,000 gallons	\$ 5.15	\$ 5.40	5%

Administrator King stated the County does not automatically increase the water and sewer rates every year as some municipalities do. Staff reviews water, sewer, and landfill fees each year and tries to be intentional about how to set the fees. If an adjustment is not necessary, the County does not change the rate, he said.

In response to a question from Supervisor Wolfe-Garrison, Administrator King said the last water and sewer rate changes were in 2012 and 2015. He added that the 2015 rate increase was small.

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RECESS.

At 7:20 p.m., Chair Chandler recessed the meeting for meetings of the Countryside Sanitary District and Massanutten Water and Sewer Authority.

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RECONVENE.

At 7:30 p.m., Chair Chandler called the regular meeting of the Rockingham County Board of Supervisors back to order.

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PUBLIC HEARING – AGRICULTURAL-FORESTAL DISTRICT REVIEW (ORDINANCE AMENDMENT).

At 7:31 p.m., Chair Chandler opened the public hearing and Director of Planning Dyjak reviewed the following request:

OA/AFP21-032, The County of Rockingham has initiated a review of the Western Rockingham Agricultural & Forestal District (AFD) according to the Code of Virginia, §15.2-4300 through §15.2-4314. The County Agricultural-Forestal District Advisory Committee and Planning Commission recommended adoption of an amendment to Chapter 17, Zoning Ordinance, Article V, Section 17-510, Western Rockingham AFD to revise the total acreage and renew the District for a 10-year period, with exiting conditions unmodified.

Mr. Dyjak explained the Amendment is the renewal of the Western Rockingham Agricultural & Forestal District (AFD), located just west of the Harrisonburg City limits. He noted this is the regular term review authorized by the Board in December. There were advertisements and notice to all affected property owners. The County received requests to withdraw 17 parcels from the AFD, and there are no additions to the AFD.

Mr. Dyjak indicated the proposed Ordinance Amendment reflects the changes and extends the term until March 29, 2031. The Ordinance Amendment was unanimously approved by the Planning Commission and the Agricultural Advisory Committee.

No one from the public spoke regarding the ordinance amendment.

At 7:33 p.m., Chair Chandler closed the public hearing.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Ritchie, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE
REPEALING AND RE-ENACTING
SECTION 17-510
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-510. - Western Rockingham Agricultural and Forestal district be repealed and re-enacted as follows:

Sec. 17-510.01. - Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Western Rockingham Agricultural and Forestal district (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted, and incorporated herein by reference.

Sec. 17-510.02. - Description of District.

The Western Rockingham Agricultural and Forestal district shall consist of the following land: one hundred thirty-eight (138) parcels spanning five thousand four hundred sixty-seven (5,467) acres generally located north of Rawley Pike (Route 33) and south of Greenmount Road (Route 772), west of the Harrisonburg city limits and east of the George Washington National Forest. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

61-(2)- L3, 61-(A)- L34, 61-(A)- L56, 76-(2)- L1, 76-(2)- L2, 76-(3)- L9, 76-(A)- L40, 76-(A)- L40A, 76-(A)- L41, 76-(A)- L41B, 76-(A)- L42, 76-(A)- L43, 76-(A)- L45, 76-(A)- L45A, 76-(A)- L45B, 76-(A)- L47A, 76-(A)- L54, 76-(A)- L57, 76-(A)- L57B, 76-(A)- L57D, 77-(4)- L1, 77-(A)- L1, 77-(A)- L3, 77-(A)- L3A1, 77-(A)- L4A, 77-(A)- L5B, 77-(A)- L5B1, 77-(A)- L13A, 77-(A)- L21C, 77-(A)- L23B, 77-(A)- L23B3, 77-(A)- L28, 77-(A)- L29, 77-(A)- L36, 77-(A)- L55, 77-(A)- L101, 77-(A)- L101B, 77-(A)- L101B1, 77-(A)- L119, 77-(A)- L119C, 77-(A)- L128, 77-(A)- L129, 77-(A)- L131A, 77-(A)- L132, 78-(A)- L27, 90-(A)- L67, 91-(A)- L4, 91-(A)- L13, 91-(A)- L17, 91-(A)- L18, 91-(A)- L19, 91-(A)- L29, 91-(A)- L39, 91-(A)- L40, 91-(A)- L42, 91-(A)- L47, 91-(A)- L47A, 91-(A)- L48, 91-(A)- L48A, 91-(A)- L48A1, 91-(A)- L49A, 91-(A)- L61, 91-(A)- L121A, 91-(A)- L129, 91-(A)- L131A, 91-(A)- L132B, 91-(A)- L134, 91-(A)- L135, 91-(A)- L139, 91-(A)- L139A, 91-(A)- L154A, 91-(A)- L158, 91-(A)- L184B, 91-(A)- L194, 91-(A)- L194A, 91-(A)- L210, 91-(A)- L211, 91-(A)- L212, 92-(6)- L2, 92-(9)- L3, 92-(9)- L4A1, 92-(9)- L4B, 92-(A)- L4, 92-(A)- L34, 92-(A)- L43, 92-(A)- L47, 92-(A)- L47E, 92-(A)- L55, 92-(A)- L75A, 92-(A)- L82, 92-(A)- L84, 92-(A)- L85, 92-(A)- L91, 92-(A)- L103, 92-(A)- L112, 92-(A)- L112A, 92-(A)- L113, 92-(A)- L114, 92-(A)- L115, 92-(A)- L117, 92-(A)- L118, 92-(A)- L119, 92-(A)- L124, 92-(A)- L125, 92-(A)- L142, 92-(A)- L144A, 92-(A)- L144A2, 92-(A)- L148, 92-(A)- L149, 92-(A)- L154, 92-(A)- L154A, 92-(A)- L165, 92-(A)- L170, 92-(A)- L171, 92-(A)- L173, 92-(A)- L174, 93-(A)- L1, 93-(A)- L2, 3-(A)- L2B, 93-(A)- L3, 93-(A)- L4, 93-(A)- L4B, 93-(A)- L10, 93-(A)- L11A5, 93-(A)- L17, 3-(A)- L17B, 93-(A)- L23, 93-(A)- L45, 93A-(4)- L9, 93A-(5)- L6, 93A-(5)- L7, 93A-(5)- L9, 3A-(5)- L10, 93A-(5)- L11, 93A-(6)- L5, 107-(A)- L51A, 107-(A)- L52, and 108-(A)- L20.

Sec. 17-510.03. - Conditions.

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Western Rockingham Agricultural and Forestal district shall comply with the following conditions:

- (a) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
 - (1) Golf courses;
 - (2) Golf driving ranges;
 - (3) Campgrounds;
 - (4) Shooting ranges;
 - (5) Auto graveyards or junkyards;
 - (6) Recreational or amusement enterprises operating outside a building for profit.
- (b) All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- (c) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (d) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district. Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the County Code.

Sec. 17-510.04. - Term review.

The district shall be in effect for ten (10) years, from March 29, 2021, to March 29, 2031. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

This ordinance shall be effective from the 24th day of March 2021.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 7:33 p.m., Chair Chandler opened the public hearing and Zoning Administrator Getz reviewed the following special use permit request:

SUP21-003 Bryan & Amy Duff, 769 Newdale School Road, Timberville VA for recreation inside a building located on property on the south side of Newdale School Road (Route 796) approximately 0.2 mile west of Interstate 81 in Election District 1. Zoned A-2-General Agricultural. Tax Map #53-(A)-45A2.

Applicant Bryan Duff said he and his wife have been heavily involved with the Peace Corp for a long time. They like to give back to the community and providing a recreational building for youth gives them that opportunity.

There was no opposition to the request.

SUP21-036 Crystal Yoder, 7741 Mill Creek Church Road, Port Republic, VA for a school located on the east side of Arch Drive (private) approximately 144' south of Friedens Church Road (Route 682) in Election District 4. Zoned A-2-General Agricultural. Tax Map #138-(A)-L41.

Mr. Getz informed the Board that the building the Montessori School plans to use was originally built as an antique store under special use permit 11-265.

Applicant Crystal Yoder noted she has worked in a Montessori school since 2006 and fell in love with the style of teaching. She worked at two Montessori schools in Harrisonburg.

Ms. Yoder wants to open New Beginnings Montessori School to provide an alternative school option in the area. She noted this will be the first Montessori school in the County and will provide an early childhood program (ages 3 to 5) Monday through Friday. Ms. Yoder explained that the Montessori philosophy is to teach each child as a unique individual who learns in their own specific way at their own pace.

Kelsey Burgoyne, one of the co-teachers at New Beginnings Montessori School, said she has worked with Ms. Yoder for many years. However, she was speaking to the Board as the parent of a special needs child. With this program, her child will be able to attend school in the fall.

There was no opposition to the request.

At 7:43 Chair Chandler closed the public hearing.

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP21-003, Bryan & Amy Duff, 769 Newdale School Road, Timberville VA for recreation inside a building located on property on the south side of Newdale School Road (Route 796) approximately 0.2 mile west of Interstate 81 in Election District 1. Zoned A-2-General Agricultural. Tax Map #53-(A)-45A2.

CONDITIONS:

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

Supervisor Kyger thanked Ms. Yoder for presenting the Montessori School's approach. He said he is very familiar with this facility and wanted them to be aware of significant road work planned on Friedens Church Road during their first year of operation.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP21-036, Crystal Yoder, 7741 Mill Creek Church Road, Port Republic, VA for a school located on the east side of Arch Drive (private) approximately 144' south of Friedens Church Road (Route 682) in Election District 4. Zoned A-2-General Agricultural. Tax Map #138-(A)-L41.

CONDITIONS:

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

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COUNTY ADMINISTRATOR'S STAFF REPORT.

Administrator King stated the Fire and Rescue team continues to perform a great job with the administration of COVID vaccines. Many volunteers have assisted at the Fairgrounds, including the finance staff.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller provided Board members with a memorandum to the Finance Committee regarding The Shenandoah Valley Battlefields Foundation's request for tax exemption from payment of local real estate taxes. Several years ago, the General Assembly turned this over to local governments. He explained an organization seeking tax exemption needs to make the request through the Commissioner of Revenue's office, which provides a questionnaire for the organization to complete.

Mr. Miller said after the Shenandoah Valley Battlefields Foundation completed and filed the form, he and Interim Commissioner of Revenue Dan Cullers talked with representatives of the Shenandoah Valley Battlefields Foundation, which maintains and administers the Port Republic and Cross Keys Battlefields. The Foundation was previously granted tax exemption by the state of Virginia and federal government, Mr. Miller said. The Foundation receives grants and private donations, and the only paid employee is the Executive Director.

Mr. Miller noted he and Mr. Cullers determined the Shenandoah Valley Battlefields Foundation qualifies for tax exemption. He explained that it is up to the Board to determine whether the Shenandoah Valley Battlefields Foundation is granted tax exemption.

Mr. Miller stated if tax exemption is granted, the County will lose \$1,600 a year in tax revenue on the fair market value assessment. However, he indicated most of the battlefield property is in agricultural use and has to remain agricultural. The important step is that the Board decide whether to grant tax exempt status to the Shenandoah Valley Battlefields Foundation, Mr. Miller said.

Supervisor Kyger stated the Board was approached by citizens a number of years ago to establish a federal act to preserve the land and place the battlefields into historical conservation easements. Multiple, large public hearings were held. Supervisor Kyger and the Shenandoah County citizen who initiated the request worked with Congressman Goodlatte's office and Senator James Jeffords' staff from Vermont to write legislation that created the Shenandoah Valley Heritage Battlefields Act, which was a unique federal park that authorized a zoning overlay of pristine battlefields in the Shenandoah Valley. Landowners could voluntarily place their land there, but they would retain ownership and use of the land as they had used it previously. However, the County could consider that land in any rezoning requests adjacent to those lands that were considered critical to the battlefield. This also allowed for voluntary contributions of easements. Supervisor Kyger indicated it took two years to pass the conservation easement, but it brings much more money to the County in tourism dollars than in tax dollars.

Mr. Miller indicated he would like the Board to consider this tax exemption request at the April 14, 2021 Board meeting.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated March 24, 2021.

Mr. Armstrong reminded the Board of a request received from Joseph and Janice Ulmer, owners of Overlook Produce and Farm Adventures, for a \$15,000 Agriculture Forestry and Industrial Development (AFID) grant. The Ulmers purchased property along Friedens Church Road (Route 682) off Interstate 81 at Exit 240, to expand their farm market operations.

With this expansion, the Ulmers will invest approximately \$850,000 into the property and create six new jobs over the next three years. Approximately 70 percent of the products they sell will be grown in Virginia and source products from Virginia, Mr. Armstrong said.

On motion by Supervisor Kyger, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved a request received from Joseph and Janice Ulmer, owners of Overlook Produce and Farm Adventures, for a \$15,000 Agriculture Forestry and Industrial Development (AFID) grant.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated March 24, 2021.

Mrs. Davidson announced that one proposal was received for a concession operator to provide food services at Rockingham Park at the Crossroads. Staff asked that the Board award the contract to Crossroads Café and Catering. The initial term is for one year with an option to renew for four (4) additional one-year terms. For the first \$50,000 in sales, the County will receive an eight percent rental fee. The County will receive a ten percent rental fee for all sales above \$50,000.

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to award the concession operator contract for food services at Rockingham Park at the Crossroads to Crossroads Café and Catering for a one-year initial term, with an option to renew for four (4) additional one-year terms.

Mrs. Davidson said she needed approval from the Board before preparing two design build Requests for Proposals (RFPs). One is for the maintenance building at Rockingham Park at the Crossroads and the other is for the Route 11 Fire Station that is in the proposed budget. Mrs. Davidson said the request is for Finance to move forward with the design build RFPs immediately prior to July 1.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to prepare two Requests for Proposals (RFPs): one for a maintenance building at Rockingham Park at the Crossroads and one for the Route 11 Fire Station, so that Finance can move forward with the RFPs immediately prior to July 1, 2021.

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PUBLIC WORKS STAFF REPORT.

The Board received and reviewed Mr. Rhodes’ memorandum dated March 24, 2021, requesting a rate increase for Landfill tipping fees. He explained that Public Works staff maintains a Solid Waste Fund spreadsheet to project landfill revenues and expenses for the next twenty years. The spreadsheet also includes estimated costs for normal operations and maintenance, as well as capital projects and expenses.

Since the Landfill has several large projects coming up in future years, staff requested that the Landfill tipping fees be increased from \$52 per ton to \$54 per ton for commercial, industrial, and residential waste; and tipping fees be increased from \$58 per ton to \$60 per ton for construction and wood debris, effective July 1, 2021.

Supervisor Ritchie made a motion, seconded by Supervisor Wolfe-Garrison, to increase the Landfill tipping fees \$2 per ton effective July 1, 2021 (from \$52 to \$54 per ton for commercial, industrial, and residential waste; and from \$58 to \$60 per ton for construction and wood debris).

Supervisor Kyger asked Mr. Rhodes to inform the towns in the County about the increase so the towns that use commercial haulers are prepared.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized a \$2 per ton increase in the Landfill tipping fees effective July 1, 2021, from \$52 to \$54 per ton for commercial, industrial, and residential waste; and from \$58 to \$60 per ton for construction and wood debris.

Supervisor Kyger asked about the life of the Landfill. Mr. Rhodes indicated the Landfill is in Phase 5 and should be utilized for another 35-40 years. He noted the Willow Springs property is a potential expansion area, which could possibly be used another 30 to 40 years after that, depending on future regulations.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

Mr. Getz introduced the new Code Compliance Officer, Carley Stackpole. He indicated that Ms. Stackpole previously worked in the Rockingham County Parks and Recreation department and most recently at the Harrisonburg Rockingham Social Services District as a foster care social worker.

The Board received and reviewed Ms. Cooper’s staff report dated March 24, 2021. Ms. Cooper indicated staff would like to bring forward a resolution for the Rails to Trails project.

Administrator King indicated Mr. Dyjak had been working on this effort. The resolution should help move the project along, but the process will be slow since landowners along the railroad track will need to donate rights-of-way for the project, he said.

Supervisor Ritchie stated this is an excellent project, especially since Broadway will be the starting or ending location for bicyclists, runners, and walkers. He foresees small businesses opening in Broadway to provide services for those utilizing the Rails to Trails.

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Resolution:

A RESOLUTION TO SUPPORT THE ACQUISITION AND CONVERSION OF OUT-OF-SERVICE RAILROAD RIGHT-OF-WAY TO A TRAIL FOR ALTERNATIVE TRANSPORTATION AND RECREATION

WHEREAS, 48 miles of the former Manassas Gap Railroad which lie between Riverton Junction, in Warren County, and the Town of Broadway, in Rockingham County are in a state of disuse, with all freight and passenger service having ceased; and

WHEREAS, the prospect of restoration of freight or passenger service along the aforementioned section of railroad is very unlikely; and

WHEREAS, the railroad, in its current state of disuse, is a blight on our community, and a danger to youth who may be tempted to trespass; and

WHEREAS, the railroad presents an opportunity to create a world-class trail providing bicycle, pedestrian and equestrian access to extraordinary landscape views and several important Civil War battlefields; and

WHEREAS, such trail would catalyze tourism-related economic growth; and

WHEREAS, such trail would connect eleven communities, including Broadway and Timberville, offering the option of safe alternative transportation within and between these communities to a broad segment of the local population, for commuting to work and school, thereby improving the quality of life; and

WHEREAS, the trail would be characterized by sound, sustainable and safe design and link multiple parks, multiple businesses, and Civil War sites while paralleling the North Fork of the Shenandoah River along its route in Rockingham County; and

WHEREAS, an organization known as the Shenandoah Valley Rail Trail Exploratory Partnership, whose membership includes representation of each locality through which the trail would pass, has been formed to explore trail feasibility;

WHEREAS, the 2020 Virginia General Assembly directed the Virginia State Department of Conservation and Recreation to study trail feasibility and deliver a report no later than November 1, 2021.

THEREFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors endorses the conversion of the aforementioned 48-mile discontinued railroad to a multiuse trail for alternative transportation and recreation; and

FURTHERMORE, Rockingham County resolves to join with the other trail localities in seeking the support of regional, state, and federal agencies and the railroad's owner, Norfolk Southern Corporation, toward the goal of development of the trail.

Resolved this 24th day of March 2021.

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COMMITTEE REPORTS.

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

AIRPORT

Supervisor Kyger indicated he plans to meet with Michael Heatwole, who will provide an update on the airport.

CHAMBER OF COMMERCE

Supervisor Ritchie said interviews for a new President were conducted with three local applicants, but he did not know if the Chamber has made an offer to any of the candidates.

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (HRRSA)

Mr. Rhodes indicated HRRSA Executive Director Sharon Foley resigned from her position and is planning to leave in July, but she is willing to stay longer, if needed. The position has been advertised.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison advised that the library is about two and a half years into a three-year agreement with Trobudd, Inc. for the proposed location for the library in District 3. The construction will be starting soon.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger noted NACo plans to hold its annual conference in Prince George's County, Maryland on July 9-12, 2021. Attendees will have the option to attend in person or virtually.

Supervisor Kyger said the VACo Summer meeting and VACo Annual meeting in Norfolk have not been confirmed, awaiting Governor Northam’s determination on meetings.

CHAIR

Chair Chandler stated he met with leaders from the five Middle River Regional Jail member jurisdictions about an expansion and alternatives to the jail. Another meeting is scheduled on April 6, 2021, and he will talk further with the Board after that meeting.

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COMMITTEE APPOINTMENTS.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Ritchie, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board appointed Judge Bruce D. Albertson to the Rockingham-Harrisonburg Alcohol Safety Action Program (ASAP) Board for a term to expire December 31, 2022.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board appointed Seth Stauffer to serve as the District 2 member on the Community Services Board (CSB) for a term to expire June 30, 2024.

Chair Chandler made ex-officio appointments to the following committees:

- Supervisor Wolfe-Garrison to the Agricultural Advisory Committee
- Supervisor Ritchie to the Agricultural-Forestal District Advisory Committee
- Commissioner of Revenue Dan Cullers to the Agricultural-Forestal District Advisory Committee

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 8:17 p.m. to 9:01 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; and (7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Since no action was anticipated after the closed meeting, the web broadcast was discontinued.

MOTION: SUPERVISOR KYGER
SECOND: SUPERVISOR RITCHIE

RESOLUTION NO: 21-06
MEETING DATE: March 24, 2021

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Board of Supervisors.

VOTE:

AYES: CHANDLER, KYGER, RITCHIE, WOLFE-GARRISON

NAYS: NONE

ABSENT: BREEDEN

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ADJOURN.

Chair Chandler declared the meeting adjourned at 9:02 p.m.

_____,
Chair