

April 27, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 27, 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:

- BRYAN F. HUTCHESON, Sheriff
- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator for Development
- PATRICIA D. DAVIDSON, Assistant County Administrator for Finance & Operations
- RHONDA H. COOPER, Director of Community Development
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Zoning Administrator
- RACHEL SALATIN, Director of Planning
- JESSICA G. KILBY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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

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

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

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INTRODUCTION OF STUDENTS.

Students from Turner Ashby and Spotswood high schools introduced themselves to the Board.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of April 13, 2022.

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, as well as the upcoming plant mix schedule.

Supervisor Kyger reminded VDOT to consider shifting Cecil Wampler Road (Route 704) slightly to the north. He indicated this is a good time, since the widening project is occurring on Route 11 (South Valley Pike). He also reminded Mr. Komara about needed improvements on Mt. Crawford Avenue, Don Litten Parkway, Dinkel Avenue and to the I-81 ramps in Mount Crawford.

In response to a question from Chair Wolfe-Garrison, Mr. Komara reported that the Rawley Pike (Route 33) widening project was readvertised. He recalled that only one bid was received during the first advertisement, which he said was overbudget for the project. Bids will be taken through the end of May, he said.

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FEE COMPENDIUM FISCAL YEAR 2022-2023.

Chair Wolfe-Garrison recalled the Board reviewed and discussed the proposed Fee Compendium. The proposed Compendium supersedes all previous fees adopted administratively or approved by the Board of Supervisors. County Attorney Miller clarified that there are certain fees which require adoption by Ordinance. He said those fees will continue to be adopted or amended by Ordinance and will be included in the Compendium each year.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the attached FY 2022-2023 Fee Compendium.

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CAPITAL IMPROVEMENTS PLAN (CIP) FISCAL YEAR 2023-2027.

Chair Wolfe-Garrison brought attention to the proposed Capital Improvements Plan (CIP), for which a public hearing was held on April 13, 2022.

Supervisor Kyger motioned for approval of the CIP as presented, seconded by Supervisor Chandler.

Supervisor Kyger pointed out that the CIP is a requirement of state Code and stated that it is used to strategically plan for future projects. Administrator King concurred and pointed out that approval of the CIP does not commit the County to the projects but is a guide for the future.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the attached Capital Improvements Plan (CIP) for Fiscal Year 2023-2027.

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ORDINANCE REPEALING SECTIONS 11-38 THROUGH 11-51 “COUNTY LICENSE FEE” OF THE ROCKINGHAM COUNTY CODE.

Chair Wolfe-Garrison recalled discussion regarding the elimination of the County License Fee during the April 13, 2022, Board of Supervisors meeting. Since that time, staff had advertised the County’s intent to repeal the Ordinance.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – NAY; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
ARTICLE VI OF CHAPTER 11,
COUNTY LICENSE FEE
AND RESERVING
SECTIONS 11-38 THROUGH 11-51, INCLUSIVE
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Chapter 11, Article VI, Sections 11-38 through 11-51, “County License Fee” be and hereby is repealed and Sections 11-38 through 11-51, inclusive, be shown in the Rockingham County Code as “Reserved”.

This ordinance shall be effective from the 27th day of April 2022.

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE & OPERATIONS.

The Board received and reviewed Mrs. Davidson’s staff report.

Mrs. Davidson reported that the Invitation to Bid (ITB) for the Fieldale Place Sanitary Sewer Lining and Rehabilitation closed on April 20, 2022, with five responses received. Staff recommended awarding the contract to the low-bidder, Tri-State Utilities, for \$96,655.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to accept the bid from Tri-State Utilities in the amount of \$96,655 for Sanitary Sewer Lining and Rehabilitation at Fieldale Place.

Mrs. Davidson recalled that in an attempt to eliminate injuries surrounding the softball/baseball field cloverleaf configuration at the Rockingham Park, installation of further safety netting to protect the safety of all persons in and around the fields was solicited. The ITB closed April 22, 2022. The low bidder was Better Baseball with a price of \$107,510.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to accept the bid from Better Baseball in the amount of \$107,510 for installation of additional overhead netting at Rockingham Park at the Crossroads.

Mrs. Davidson requested the Board declare the County’s out-of-service 1991 LTI Ladder Truck as surplus, so that parts may be sold.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board declared as surplus a 1991 LTI Ladder Truck.

Mrs. Davidson indicated that the FY23 proposed budget includes a request for 15 fire and rescue positions to staff the Route 11 North Emergency Response Station. She reported that with the current challenge in staffing positions, Chief Holloway would like to begin the hiring process prior to July 1.

By consensus, the Board agreed that Chief Holloway should proceed with the hiring process for the 15 positions needed to staff the Route 11 North Emergency Response Station.

FINANCE COMMITTEE

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following supplemental appropriation:

Virginia American Rescue Plan Act (ARPA) Marketing Programs-Grant

The Virginia Tourism Corporation (VTC) received ARPA funds to distribute to localities to help support Tourism in the state. Staff identified five specific areas to apply for the funding and was approved for a grant up to \$230,000. The projects approved by VTC for funding are as follows:

- Massanutten Resort for Ski Trail Expansion - \$150,000
- Shen Valley Rail Trail Infrastructure Improvements - \$40,000
- Shen Valley National Park Overlook Maintenance - \$30,000
- Harrisonburg-Rockingham Trail Guide - \$10,000

Supplemental Appropriation: \$230,000

\$230,000	GL Code: 1212-00000-11899-000-318990-000	Miscellaneous Revenue
0		
\$230,000	GL Code: 1212-08108-00000-000-505699-000	Other Contributions

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report.

Deputy Director of Community Development Salatin presented applicants to be considered for appointment to the Agricultural and Forestal District Advisory Committee.

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 Craig Bailey, Linden Diehl, David Liskey, Chad Mathias, Kenneth Martin and Darwin Rhodes to the Agricultural and Forestal District Advisory Committee. Phil Whitmer was appointed to serve as an alternate.

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RECESS.

Chair Wolfe-Garrison recessed the meeting at 6:54 p.m.

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PUBLIC HEARINGS.

SUP22-1050 ROY MARTIN

At 7:00 p.m., Chair Wolfe-Garrison reconvened the meeting and opened the public hearing. Zoning Administrator Getz reviewed the following special use request:

SUP22-1050 Roy Martin, 4082 Sky Road Rockingham, VA, for an additional dwelling located on the south side of Sky Rd (Route 761) approximately 0.3 mile east of Singers Glen Rd (Route 763). Zoned A-1 (Prime Agricultural). Tax Map 92-(A)- L141. Election District 2.

The applicant was present.

No members of the public spoke regarding the request.

At 7:03 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 approved SUP22-1050 Roy Martin, 4082 Sky Road Rockingham, VA, for an additional dwelling located on the south side of Sky Rd (Route 761) approximately 0.3 mile east of Singers Glen Rd (Route 763). Zoned A-1 (Prime Agricultural). Tax Map 92-(A)- L141. Election District 2.

SUP22-1012 JOSE D. MUNOZ

Chair Wolfe-Garrison reopened the public hearing at 7:04 p.m., and Mr. Getz reviewed the following request:

SUP22-1012 Jose D. Munoz, PO Box 2396, Harrisonburg, VA, for a small contractor operation located on the west side of Longley Road (Route 657) north of Valley View Road (Route 658). Zoned A-1 (Prime Agricultural). Tax Map 141-(A)-L55. Election District 5.

The applicant was present.

No one spoke concerning the request.

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

On motion by Supervisor Breedon, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1012 Jose D. Munoz, PO Box 2396, Harrisonburg, VA, for a small contractor operation located on the west side of Longley Road (Route 657) north of Valley View Road (Route 658). Zoned A-1 (Prime Agricultural). Tax Map 141-(A)-L55. Election District 5.

SUP22-22-1114 JOHN SCHUMACHER

Mr. Getz reviewed the following request:

SUP22-1114 John Schumacher, 1703 S Dogwood Drive Apt C, Harrisonburg, VA, for a large utility building located on the north side of Yankeetown Road (Route 819) approximately 0.5 mile west of Brocks Gap Road (Route 259). Zoned A-2 (General Agricultural). Tax Map 25-(A)-L48A.

Election District 1.

At 7:09 p.m., Chair Wolfe-Garrison opened the public hearing. The applicant was present.

No other comments were received.

The public hearing was closed at 7:10 p.m.

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 SUP22-1114 John Schumacher, 1703 S Dogwood Drive Apt C, Harrisonburg, VA, for a large utility building located on the north side of Yankeetown Road (Route 819) approximately 0.5 mile west of Brocks Gap Road (Route 259). Zoned A-2 (General Agricultural). Tax Map 25-(A)-L48A. Election District 1.

SUP22-1126 HUBER GROUP, LLC

Mr. Getz reviewed the following request:

SUP22-1126 Huber Group, LLC, PO Box 730, Windermere, FL 34786, for a climate controlled mini storage facility located on the north side of Spotswood Trail (Route 33) south of Rockingham Park Way (Private). Zoned B-1 (General Business). Tax Map 126-(2)- LA4A. Election District 3.

The public hearing was opened at 7:12 p.m.

Representing the applicant, Carl Snyder, from Valley Engineering provided a drawing of a facility which he said would be comparable in appearance and size to the proposed facility. Mr. Snyder also pointed out the areas where vegetation would be added for adequate screening of the facility.

Community Development Director Cooper pointed out that due to the property's topography, more than the typical screening would be required in order to be effective.

Also representing Huber Group, LLC, Josh Duncan emphasized that it the company's intention to be visually attractive. He agreed that the topography would require taller trees to properly screen the structure. Mr. Duncan indicated he would be agreeable to substantially conforming to the drawing rendered by Mr. Snyder and would also be agreeable to additional buffering.

Neighbor Dennis Myers expressed concerns over lighting.

Mr. Snyder explained that the County has specific down lighting requirements that must be met to prevent light pollution onto neighboring properties. Mr. Snyder also indicated the applicant would be willing to entertain conditions related to appearance and buffering.

Chair Wolfe-Garrison closed the public hearing at 7:28 p.m.

Supervisor Chandler said a number of questions had been raised and indicated his intent to table the request until the language and conditions could be clarified. Supervisor Chandler said he saw no reason the clarifications could not be made prior to the Board's next meeting on May 11, 2022.

On motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board tabled SUP22-1126 Huber Group, LLC, PO Box 730, Windermere, FL 34786, for a climate controlled mini-storage facility located on the north side of Spotswood Trail (Route 33) south of Rockingham Park Way (Private). Zoned B-1 (General Business). Tax Map 126-(2)- LA4A.

Election District 3, to a date certain of May 11, 2022.

REZ22-842 ROCKINGHAM COUNTY

At 7:32 p.m., Chair Wolfe-Garrison opened the public hearing and Mrs. Yankey reviewed the following rezoning request:

REZ22-842 Rockingham County, 20 E Gay St Harrisonburg, VA, to rezone 29.31 acres from A-2 General Agricultural to B-1 General Business. The property is located on the west side of N Eastside Hwy (Route 340) at Oviedo Drive, on the east side of the railroad tracks. Tax Map 115-(A)-L162. Election District 5.

Mrs. Yankey explained that the parcel had a zoning district change in 2017; however, the tax map number associated with the parcel was inadvertently listed incorrectly in the case report, followed by the Board of Supervisors minutes. The proposed rezoning request is required to correct that typographical error.

In response to questions related to whether the error affected the property's tax rate, County Attorney Miller indicated tax inquiries would need to be addressed by the Commissioner of Revenue, Mr. Dan Cullers.

No members of the public spoke regarding the request.

At 7:35 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Breeden, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved REZ22-842 Rockingham County, 20 E Gay Street Harrisonburg, VA to rezone 29.31 acres from A-2 General Agricultural to B-1 General Business. The property is located on the west side of N Eastside Hwy (Route 340) at Oviedo Drive, on the east side of the railroad tracks. Tax Map 115-(A)- L162. Election District 5.

ORDINANCE AMENDMENT 22-1030 CHAPTER 17 FEES

Mrs. Yankey reviewed the following ordinance amendment:

OA22-1030 To repeal and re-enact those fees that were redundantly published in the County Code at Sections 2-44 and 2-45. Those fees were related to planning and development fees and GIS fees and are now published in the Fee Compendium.

At 7:37 p.m., Chair Wolfe-Garrison opened the public hearing to receive public comment.

No one spoke concerning the proposed amendment.

The public hearing was closed at 7:37 p.m.

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 ordinance amendment:

**ORDINANCE REPEALING
SECTIONS 2-34 THROUGH 2-54
INCLUSIVE
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sections 2-34 through 2-54 be hereby repealed.

This ordinance shall be effective from the 27th day of April 2022.

Adopted the 27th day of April 2022.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 7:39 p.m. to 8:29 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, Section 2.2-3711.A(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.

MOTION: SUPERVISOR CHANDLER
SECOND: SUPERVISOR RITCHIE

RESOLUTION NO: 22-07
MEETING DATE: APRIL 27, 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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RECONVENE REGULAR MEETING.

Chair Wolfe-Garrison reconvened the regular meeting at 8:29 p.m.

Following the closed meeting, on motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator and County Attorney to:

- 1) Execute a new lease with SRI
- 2) Decline a Conflict-of-Interest Waiver with BodkinRose PLC

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ADJOURN.

Chair Wolfe-Garrison declared the meeting adjourned at 8:32 p.m.

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Chairman