

April 28, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 28, 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

Also present:

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
- 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 6:00 p.m.

Chair Chandler provided the invocation, and Director of Finance Davidson led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Ritchie, 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 approved the minutes of the regular meeting of April 14, 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.

In response to a question from Supervisor Wolfe-Garrison, Mr. Komara explained that the changeable message sign (message board) on East Market Street (Route 33) and some other roads leading to the interstate will advise motorists of accidents on Interstate 81, so they

have an opportunity to take an alternate route. The changeable message signs display “VDOT Test” while VDOT confirms they work properly.

Mr. Komara indicated VDOT would like to advertise the bridge replacement project on Lee Street (Route 259) in Broadway this fall, but the VDOT manual lists the project in 2022. VDOT hopes to start work on the bridge sooner, he said. In response to an inquiry from Supervisor Ritchie, Mr. Komara said motorists exiting from the 7-11 at the corner of Lee Street and Main Street, will have better sight distance looking toward the west because the new bridge will be wider, have a lower-profile railing, and sit back farther.

Mr. Komara reported that the new sidewalks and curb and gutter in Dayton, which were covered by revenue sharing funds are a great improvement and will eliminate water running into some homes.

Mr. Komara attended a meeting concerning the South Valley Pike (Route 11) lane-widening project. VDOT staff will meet with designers to discuss the project in an effort to redesign the bridge and cover the cost, without shortening the length of the bridge.

Mr. Komara reminded the Board and staff that the Six-Year Primary Interstate Plan meeting is April 29, 2021. He noted that the time changed from 6 p.m. to 4 p.m. Administrator King noted that the County provided written comments for the meeting. Staff will attend the meeting virtually, but the County does not anticipate providing additional comments, he said.

Mr. Komara noted that localities have to wait four to five years for revenue sharing funds. He previously mentioned extending the left turn lane from John Wayland Highway (Route 42 North) onto Bowman Road (Route 732) because the turn lane is too short for the amount of bus traffic going to Wilbur Pence Middle School. He stated that the current cost without revenue sharing funds is \$100,000. By waiting four to five years, the project can be accomplished with revenue sharing funds at a cost of \$50,000.

VDOT continues to perform grading work on Williamsburg Road (Route 782), Mr. Komara said. They will apply calcium chloride and let the road settle so surface treatment can be applied at the end of the summer. All the pipes were installed, and the slopes laid back.

Supervisor Wolfe-Garrison noted she received calls from residents on Williamsburg Road, asking about the diameter of the drainpipes being installed and expressing concern that the rainwater will continue to run into the road instead of through the drainpipes. Mr. Komara said the purpose of the pipes is to drain water from the road. He said there were 18- and 24-inch pipes, but he did not recall all the diameters.

Mr. Komara said since Williamsburg Road did not have any ditches and the property sloped, rainwater ran into the road and cut deep ruts. Since VDOT dug and stabilized ditches, he does not believe water will run over the road during normal rain events. He said he would check on the size of the pipes VDOT used and provide that information to Supervisor Wolfe-Garrison.

Mr. Komara stated the trees along Swope Road (Route 736) were removed, ditching was performed, and the slopes were laid back. Concrete pipes are being laid on the causeway, including a 48-inch cement pipe which will carry a large amount of water. Mr. Komara noted metal pipes were installed under the driveways.

Mr. Komara indicated VDOT will start on the additional turn lane at Spotswood High School in mid or late May. They will be sensitive to not disrupt the school day, he said.

Mr. Komara noted he plans to review the upcoming six-year plan with the Board in late May or early June.

Maintenance items included skin patching, scratching asphalt, sweeping bridges, grading dirt roads, and applying calcium chloride. VDOT is also preparing for the mowing season.

Supervisor Breeden informed Mr. Komara of a large pothole at the intersection of Rocky Bar Road (Route 754) just past St. Stephen and the Good Shepard Episcopal Church.

Supervisor Wolfe-Garrison indicated numerous bicyclists use the Bike and Buggy Lane from Route 42 north of Harrisonburg to Bridgewater. She noted there are a lot of rocks in the lane, so it needs to be swept.

Supervisor Kyger advised that Cecil Wampler Road (Route 704) continues to have more truck traffic, which he thinks is due to trucks accessing the cold storage units in that area. Supervisor Kyger asked about obtaining traffic counts on different sections of Cecil Wampler Road from Pleasant Valley Road (Route 679) to South Valley Pike (Route 11) to determine where most of the trucks are being loaded. Supervisor Kyger noted his main concern is the narrow bridge over Interstate 81 on Cecil Wampler Road where the trucks come from the Pleasant Valley Industrial Park around the bend upgrade onto the bridge. He said traffic traveling to Valley Pike also uses the bridge and he is concerned there will be a tragic accident because the road has a wide approach and narrows rapidly at the bridge.

Supervisor Kyger reminded Mr. Komara of his concerns regarding Lady Bug Road (Route 749) and Tilghman Road (Route 902).

Supervisor Wolfe-Garrison asked about road maintenance on the road to the Hone Quarry Dam. Mr. Komara indicated that is a Forest Service road, and Supervisor Kyger indicated the Forest Service provides “appropriate maintenance” on that road and the road to the campground, which is also poorly maintained. There was a consensus by the Board that the roads need attention.

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**ADOPTION AND APPROPRIATION OF FY2021-2022 ANNUAL BUDGET, AND SETTING OF TAX RATES COMMENCING JULY 1, 2021.**

Supervisor Kyger stated that the Board of Supervisors held a public hearing on the Fiscal Year 2021-2022 annual budget and tax rates on April 14, 2021. After the public hearing, the Finance Committee instructed two changes be made:

1. Exclude the newly proposed Cigarette Tax; and
2. Remove the vehicle allowance from the Board of Supervisors’ budget.

The City of Harrisonburg requested the County reduce \$100,000 of the City’s revenue share from Court fees. The County was able to make that adjustment as requested by the City.

On behalf of the Finance Committee, Supervisor Kyger moved that the Board of Supervisors adopt and appropriate the fiscal year 2022 budget, as amended and shown in the Board packet. Supervisor Breeden seconded the motion.

Supervisor Ritchie wanted to discuss the meals tax and questioned why it was left in the budget.

Supervisor Kyger indicated the consensus of the Board was that the meals tax would be left in the budget, as it is a penny on the future real estate tax increase. He said a large part of the meals tax is contributed to the County by people visiting the County, particularly in high-tourist areas. The consensus of the Board was to leave the meals tax increase in the budget as proposed, he said.

Supervisor Ritchie questioned if that was a consensus of the Finance Committee. Supervisor Kyger noted that Board members contacted the chairman of the Finance Committee after the public hearing to discuss their concerns regarding the budget. The consensus the Finance Committee drew from the concerns that were relayed to the Finance Committee Chair, was that the meals tax remains in the budget, and the cigarette tax be removed.

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 and appropriated the fiscal year 2022 annual budget, as amended, and set the tax rates commencing July 1, 2021.

**COUNTY OF ROCKINGHAM, VIRGINIA  
ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2021  
ADOPTED TAX RATES FOR THE CALENDAR YEAR 2021**

**REVENUES**

	<b>ADOPTED FY 2021-22</b>
<u>GENERAL FUND</u>	
General Property Taxes	\$ 101,297,000
Other Local Taxes	13,931,500
Other Local Revenue	13,324,277
State Revenue	18,133,525
Federal Revenue	1,621,000
Balance Carried Forward	2,668,314
<b>TOTAL GENERAL FUND</b>	<b>\$ 150,975,617</b>
Lake Shenandoah	\$ 347,080
Capital Projects Fund	2,667,000
Tourism Fund	253,156
Asset Forfeiture Fund	121,400
H'burg Rockingham Soc Services District	19,787,472
H'burg Rockingham Children's Services Act	11,000,000
Central Stores Fund	45,000
Self-Funded Health Insurance Plan Fund	32,380,600
Laird L Conrad Law Library Fund	50,585
Economic Development Authority	4,500
Emergency Medical Services Transp Fund	1,460,000
Water & Sewer Utilities Fund	10,315,493
Lilly Subdivision Sanitary District	30,450
Smith Creek Water & Waste Auth	606,342
Countryside Sanitary District	80,535
Penn Laird Sewer Authority	29,217
Solid Waste Fund	6,047,438
School Operating Fund	154,566,630
School Cafeteria Fund	5,777,714
School Capital Projects Fund	-
Massanutten Technical Center	6,356,735
<b>TOTAL REVENUES</b>	<b>\$ 402,902,964</b>

**EXPENDITURES**

	<b>ADOPTED FY 2021-22</b>
<u>GENERAL FUND</u>	
General Government Administration	\$ 8,097,810
Judicial Administration	6,134,874
Public Safety	35,721,944
Public Works	3,237,589
Human Services	2,380,452
Parks, Recreation & Cultural	3,177,151
Community Development	3,597,298
Contributions	410,464
Contingency	250,000
Other Expenses	80,000
Transfers to Other Funds	76,093,126
Debt Service – County	2,000,737
Debt Service – Schools	9,794,171

TOTAL GENERAL FUND	<b>\$ 150,975,617</b>
Lake Shen	\$ 347,080
Capital Projects Fund	2,667,000
Tourism Fund	253,156
Asset Forfeiture Fund	121,400
H'burg Rockingham Soc Services District	19,787,472
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Massanutten Technical Center Fund	6,356,735
<b>TOTAL EXPENDITURES</b>	<b>\$ 402,902,964</b>

**Adopted Tax Rate**

<u>Classification of Tax</u>	<b>ADOPTED 2021</b>
Real Estate	\$ 0.74
Manufactured Home	\$ 0.74
Personal Property	\$ 3.00
Recreational Vehicles	\$ 3.00
Machinery & Tools	\$ 2.55
Merchants Capital	\$ 0.87
Farm Machinery	\$ 0.44

Food & Beverage Tax, 6%.

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**ADOPTION OF CAPITAL IMPROVEMENTS PLAN (CIP) FY2022-2026.**

The Board of Supervisors held a public hearing on the Capital Improvements Plan (CIP) for Fiscal Years 2022-2026 on April 14, 2021. The recommended CIP is a guiding tool that allows staff to plan upcoming events and future budgets according to the priority set forth by the Board of Supervisors and Planning Commission. The adoption of the CIP does not constitute permission to move forward with projects until they are adopted and appropriated in the upcoming budget.

Supervisor Kyger made a motion that the Board of Supervisors, in concurrence with the Finance Committee’s review, adopt the Capital Improvements Plan for FY 2022–2026. The motion was seconded by Supervisor Breedon. Carried by a roll call vote of 4 to 1, voting recorded as follows: BREEDON – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – NAY; WOLFE-GARRISON – AYE; the Board adopted the Rockingham County Capital Improvements Plan for FY2022–FY2026.

*The complete Capital Improvements Plan (CIP) FY2022 – FY2026  
can be found in the “Attachments – Board of Supervisors Minutes”  
notebook maintained in Administration.*

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**COUNTY ADMINISTRATOR’S STAFF REPORT.**

Administrator King indicated a COVID vaccine clinic was held earlier in the day, with approximately 1,500 citizens. Most of them received their second vaccine. He anticipates the clinics will wind down and citizens will receive their COVID vaccine from a local pharmacy or their doctor.

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**COUNTY ATTORNEY’S STAFF REPORT.**

Mr. Miller indicated the Board of Elections requested that the Mt. Crawford (403) polling place be relocated from the Mt. Crawford Ruritan Hall to the Mt. Crawford Town Hall. He informed the Board that a Public Notice for the proposed Election District No. 4 ordinance amendment will be advertised in the *Daily News-Record* prior to the May 12, 2021 Board Meeting.

Supervisor Kyger noted he would be absent on May 12, 2021, but said Supervisor Ritchie will address that item on his behalf.

***NOTE:** After the April 28, 2021 Board meeting, Registrar Lisa Gooden explained that the change in location for the Mt. Crawford (403) polling place would not be effective until the November 2, 2021 General Election. The Mt. Crawford Ruritan Hall will remain as the polling location for the June 8, 2021 election.*

*A Public Notice for the proposed Election District No. 4 ordinance amendment will be advertised in the Daily News-Record after the June 8, 2021 election, and the ordinance amendment will come before the Board for adoption during the June 23, 2021 Board Meeting.*

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**ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.**

The Board received and reviewed Mr. Armstrong’s staff report dated April 28, 2021.

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson’s staff report dated April 28, 2021.

Mrs. Davidson reported that the Sheriff transferred vehicles to Massanutten Technical Center (MTC). The vehicle titles will remain in the County’s name, but MTC will use the vehicles.

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**PUBLIC WORKS STAFF REPORT.**

Mr. Rhodes informed the Board that Public Works will conduct a Hazardous Household Waste Day at the Landfill on May 8, 2021, from 8:00 a.m. until 12:00 p.m. He noted the event is posted on the County’s website, and at the Landfill and container sites.

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**PUBLIC WORKS COMMITTEE.**

Public Works Director Rhodes presented two items for consideration:

1. Wood Waste and Stump Grinding Bid

Mr. Rhodes stated five bids were received for wood grinding services at the Landfill, to include labor and equipment for grinding wood waste and stumps for use as an alternate daily cover, replacing dirt on the working face of the Landfill.

Based on staff's review of the bids, the Public Works Committee recommended the bid from Medek Tree Service, Inc., at a price of \$2.09 per cubic yard of wood waste and \$2.45 per cubic yard for stumps. It was noted that Medek Tree Service, Inc. is the current contractor at the Landfill.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the bid for wood grinding services at the Landfill, from Medek Tree Service, Inc. at a price of \$2.09 per cubic yard for wood waste and \$2.45 per cubic yard for stumps.

## 2. McGaheysville Wastewater Plant – Project Change Order

Mr. Rhodes explained that during the pre-bid meeting for the project, several contracts questioned the availability of water at the site and requested specific flow rates and pressures. County staff responded that the specified requirements could be met. After Houff Corporation was awarded the bid and started working on the project, it was determined the water requirements could not be met due to an undersized waterline feeding the site.

Mr. Rhodes noted that Houff Corporation made several changes to their operation to keep the project moving forward, and Houff Corporation submitted a request for compensation in the form of a change order for \$62,970.00, which amounts to approximately 40 percent of the initial contract. It was noted the addition of the change order to the original bid did not increase the total contract price with Houff Corporation above the bid from the next lowest bidder on the original contract. After reviewing the requested change order with Houff Corporation, staff believes the change order is realistic.

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 the Houff Corporation change order request of \$62,970.00 for the McGaheysville Wastewater Plant lagoon clean-out.

Mr. Rhodes advised the Board that the change order brings the total expenditure above 25% of the original contract price.

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## **COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Cooper's staff report dated April 28, 2021. Ms. Cooper indicated staff would like the Board's authorization to prepare a draft zoning ordinance amendment that would change the size in the "utility building" definition from 200 square feet or less to 256 square feet or less. She noted this will correlate with the size required by the Building Code to obtain a building permit. As part of the proposed zoning ordinance amendment, staff would like authorization to add utility buildings larger than 256 square feet by special use in all zoning districts, she said.

Ms. Cooper stated staff also asked for authorization to provide an ordinance amendment to remove building-related permitting fees from Chapter 6 of the Rockingham County Code and indicated that Chapter 6 of the Code will be "Reserved".

Ms. Cooper said after the ordinance amendment changes are made, staff would like to format the fees for building permits and all other fees in a line/column to be placed in one central location where citizens can easily find and review them.

Chair Chandler asked what Community Development’s timeline was to present drafts to the Board. Ms. Cooper responded that the revised format of the fees for building permits and all other fees may potentially be available for review in early May. She did not provide a time for review of the draft ordinance amendments.

By consensus of the Board, Community Development staff was authorized to draft ordinance amendments to change the size in the “utility building” definition, add utility buildings greater than 256 square feet as a special use in all zoning districts, remove and “Reserve” Chapter 6 of the Rockingham County Code, and post fees in a format so citizens can easily locate and review the fees.

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**COMMITTEE REPORTS.**

The Board heard the following committee report.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Sallie Wolfe-Garrison indicated the Executive Director position at the library has been posted.

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**RECESS.**

At 6:38 p.m., Chair Chandler recessed the regular Board meeting for a meeting of the Massanutten Water and Sewer Authority.

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**RECONVENE.**

At 7:08 p.m., Chair Chandler called the regular meeting of the Rockingham County Board of Supervisors back to order.

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**PUBLIC HEARING – SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION TAX EXEMPTION.**

At 7:08 p.m., Chair Chandler opened the public hearing and County Attorney Miller asked the Board to consider The Shenandoah Valley Battlefields Foundation (SVBF) tax exemption request that he brought before the Board on March 24, 2021.

Supervisor Wolfe-Garrison asked Mr. Miller if the SVBF wanted to sell one property, whether they could remove a single property from the conservation easement. Mr. Miller said if the property is transferred to a similar organization, that organization could apply for tax exemption and the SVBF would no longer own it.

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At 7:18 p.m., Chair Chandler closed the public hearing.

Supervisor Kyger noted the Port Republic Battlefield and Cross Keys Battlefield are both in Chairman Chandler’s district and he had consulted with Mr. Chandler.

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



such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Board of Supervisors.

VOTE:

AYES: BREEDEN, CHANDLER, KYGER, RITCHIE, WOLFE-GARRISON

NAYS: NONE

ABSENT:

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**ADJOURN.**

Chair Chandler declared the meeting adjourned at 7:56 p.m.

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Chair