

June 28, 2023

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 28, 2023, at 6:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

The following members were present:

DEWEY L. RITCHIE, Election District #1
RICK L. CHANDLER, Election District #3
MICHAEL A. BREEDEN, Election District #5

SALLIE WOLFE-GARRISON, Election District #2 was absent.
WILLIAM B. KYGER, JR., Election District #4 was absent.

Also present:

STEPHEN G. KING, County Administrator
THOMAS H. MILLER, JR., County Attorney
SHEILA K. PALADINO, Deputy County Attorney
CASEY B. ARMSTRONG, Assistant County Administrator for Economic Development
PATRICIA D. DAVIDSON, Assistant County Administrator for Finance & Operations
RHONDA H. COOPER, Director of Community Development
KELLY S. GETZ, Zoning Administrator
DYLAN L. NICELY, Land-Use Planner
KAYLA R. YANKEY, Land-Use Planner
JESSICA G. KILBY, Deputy Clerk

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

Chairman Ritchie called the meeting to order at 3:00 p.m.

Supervisor Chandler provided the invocation, and Assistant County Administrator Armstrong led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board approved the minutes of the regular meeting of June 14, 2023.

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ORDINANCE AMENDMENT – LAW LIBRARY.

County Attorney Miller recalled prior discussions concerning changing the location of the law library from the Massanutten Regional Library to the Clerk’s Office.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
AND RE-ENACTING
SECTION 1-7
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 1-7 "Law library established; assessment on civil actions for its maintenance" be and hereby is repealed and re-enacted as follows:

Sec. 1-7. - Law library established, assessment on civil actions for its maintenance.

(a) As authorized by Code of Virginia, § 42.1-70, there is hereby assessed as a part of the costs incident to each civil action filed in the Circuit Court of Rockingham County, Virginia, and the General District Court of Rockingham County, Virginia, the sum of four dollars (\$4.00). This assessment shall be used for the establishment, use and maintenance of a law library, which shall be open for the use of the public at hours convenient to the public. This assessment shall be in addition to all other costs, as prescribed by law, on civil actions filed, but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, a political subdivision thereof, or the federal government.

(b) The library, traditionally known as the "Laird L. Conrad Memorial Library", shall be located within the Clerk's Office of the Circuit Court of Rockingham County, Virginia, with usage managed by the Circuit Court Clerk and funding managed by and through the Director of Finance of Rockingham County. The library shall consist primarily of a computer console through which a member of the public can obtain access, during normal Clerk's Office hours, to an online legal research facility such as Lexis Advance, or a similar service, and other resources as, from time-to-time, shall be deemed appropriate and the Clerk's Office can accommodate. Library funds shall be used to pay for an appropriate subscription and computer maintenance. An appropriate subscription shall be determined after consultation with the county attorney.

(c) The clerks of the courts shall collect the assessment authorized herein on each civil action filed in their respective court. The clerks shall remit the assessments collected by them to the Treasurer of Rockingham County, Virginia, ("county treasurer") as required by Code of Virginia, §§ 17.1-275 and 42.1-70.

(d) The county treasurer shall hold the remitted assessments in a fund that is subject to appropriation for disbursement by the Board of Supervisors of Rockingham County, Virginia, (the "board") for the purposes permitted under Code of Virginia, § 42.1-70, including, but not limited to, the acquisition of law books, law periodicals, computer legal research services, and equipment for the use of the above established law library.

(e) Once appropriated by the board, the county treasurer shall disburse the fees collected under this section to the director of finance of Rockingham County, who shall disburse funds as necessary to cover library expenses.

This ordinance shall be effective from the 1st day of July 2023.

Adopted the 28th day of June 2023.

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ORDINANCE AMENDMENT – PROCUREMENT POLICY.

County Attorney Miller reviewed an ordinance amendment repealing the County’s procurement procedures from the County Code. Local procurement policy will be adopted by resolution, he said.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
ARTICLE X OF CHAPTER 2,
CENTRALIZED PROCUREMENT
AND RESERVING
SECTIONS 2-71 THROUGH 2-158, INCLUSIVE
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Chapter 2, Article X, Sections 2-71 through 2-158, “Centralized Procurement” be and hereby is repealed and Sections 2-71 through 2-158, inclusive, be shown in the Rockingham County Code as “Reserved”.

This ordinance shall be effective from the 28th day of June 2023.

Adopted the 28th day of June 2023.

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RESOLUTION – CENTRALIZED PROCUREMENT POLICY.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board adopted the following resolution:

**RESOLUTION
CENTRALIZED PROCUREMENT POLICY
OF
ROCKINGHAM COUNTY**

In accordance with the provisions of the Virginia Public Procurement Act, the Board of Supervisors of Rockingham County, by resolution, hereby adopts the following policy for procurement procedures.

SECTION ONE: GENERALLY

Definitions.

The following words and phrases shall have the meaning given in this section:

Board of supervisors. The governing body of Rockingham County, Virginia.

Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

Contract. Any type of county agreement, between the County and a non-governmental source for the procurement of goods, services, insurance, or construction that is enforceable by a court of law.

Contractor. Any person having a contract with the county or a using agency thereof.

County. The County of Rockingham, Virginia.

County administrator. The chief administrative officer of Rockingham County.

Employee. An individual drawing a salary or wages from the county, whether elected or not; any noncompensated individual performing personal services for the county or any department, agency, commission, council, board or any other entity established by this county, whether elected or not.

Goods. All material, equipment, supplies, printing and automated data processing hardware and software.

Governing body. The board of supervisors of Rockingham County.

Insurance. A contract whereby, for a stipulated consideration, one party undertakes to compensate the other for loss on a specified subject by specified perils.

Official responsibility. The administrative or operating authority, whether immediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction, or any claim resulting therefrom.

Nonprofessional services. Any services not specifically defined as "professional services" in this section.

Person. Any business, individual, union, committee, club, other organization, or group of individuals,

Procurement transaction. All functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Professional services. Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy, or professional engineering.

Public body. Any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty and empowered by law to undertake the activities described in this policy.

Purchasing agent. The employee appointed by the county administrator to perform the duties as outlined in this chapter.

Services. Any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

Specification. Any description of the physical or functional characteristics, or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, service or construction item for delivery.

Purpose.

The purpose of this policy is to provide for the fair and equitable treatment of all persons involved in public purchasing by the county, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

Application.

This policy applies to contracts for the procurement of goods, services, insurance, and construction entered into by the county involving every expenditure for public purchasing

irrespective of its source. Except that, when the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation which are not reflected in this policy. Nothing in this policy shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest which are otherwise consistent with law.

SECTION TWO: OFFICE OF THE PURCHASING AGENT

Establishment.

There is hereby created a purchasing system to operate under the direction and supervision of the county administrator, or his designee.

Appointment.

The purchasing agent shall be appointed by the county administrator.

Bond.

The purchasing agent shall give an official bond, to be approved by the county attorney in the sum of ten thousand dollars (\$10,000.00). The premium for such bond shall be paid out of the general operating fund of the county.

Authority.

Subject to the guidelines and prohibitions of this policy, as adopted by the board of supervisors, the purchasing agent shall have authority to procure goods, services, insurance and construction, as well as the management and disposal of supplies.

Duties.

The purchasing agent shall implement the provisions of the Virginia Public Procurement Act in Rockingham County. The purchasing agent is hereby empowered to undertake the activities described in the Virginia Public Procurement Act. For such purposes, the purchasing agent may act by and through the duly designated or authorized officers or employees of the county.

In accordance with this policy, and subject to the supervision of the county administrator, the purchasing agent shall:

- (1) Purchase or supervise the purchasing of all goods, services, insurance and construction needed by this county;
- (2) Exercise direct supervision over the county's central stores and general supervision over all other inventories of goods belonging to the county;
- (3) Sell, trade or otherwise dispose of surplus goods belonging to the county; and
- (4) Establish and maintain programs for specifications development, contract administration and inspection and acceptance, in cooperation with the public agencies using the goods, services, and construction.

Operational procedures.

Consistent with this policy, and with the approval of the county administrator, the purchasing agent may adopt operational procedures relating to the execution of the duties assigned.

Approval of purchases when absent.

In the absence of the purchasing agent, purchases shall be approved by the county administrator or his designee.

Delegation.

With the approval of the county administrator, the purchasing agent may delegate authority to purchase certain supplies, services, or construction items to other county officials, if such delegation is deemed necessary for the effective procurement of those items.

Unauthorized purchases.

Except as herein provided, no official, elected or appointed, or any employee shall purchase or contract for any goods, services, insurance or construction within the purview of this policy. Any purchase order or contract made contrary to the provisions hereof is not approved and the county shall not be bound thereby.

**SECTION THREE: CONTRACT FORMATION AND METHODS OF SOURCE
SELECTION**

Small purchases.

Any purchase not exceeding eighty thousand dollars (\$80,000.00) may be acquired with small purchase procedures; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section. Procedures to be used when purchasing under this section are as follows:

- a. Except as hereinafter qualified, any purchase estimated to not exceed eighty thousand dollars (\$80,000) may be made by methods other than competitive sealed bids or competitive negotiation. All purchases shall be awarded on the basis of the quotation most advantageous to the county. The purchasing agent shall solicit quotations by direct mail request to prospective vendors or suppliers or by telephone inquiry. Reasonable efforts shall be made to obtain a minimum of three (3) quotations for each purchase.

The purchasing agent shall keep a record of all purchases and the quotations submitted, and such records shall be open to public inspection.

- b. Purchases of less than five thousand dollars (\$5,000.00) may be exempt from the procedures above.

SECTION FOUR: DISPOSAL OF SURPLUS PROPERTY

Procedure.

- (a) Surplus property of the county is defined as property that is no longer needed by the county. This could be property that has been replaced by a newer model, property that is broken or property that has become obsolete.
- (b) The county will dispose of surplus property using different methods, determined by the value of the property being disposed. If items are being sold as a lot, the value of the total lot should be used in determining the value. The director of the department from which the property originated shall be responsible for determining the value of the property.
 - (1) If the property is valued at less than one thousand dollars (\$1,000.00), then the property may be sent to the landfill to be disposed (recycled if possible).
 - (2) If the property is valued at more than one thousand dollars (\$1,000.00) it shall be deemed significant valued property, shall be declared surplus by the board of supervisors, and disposed of using one (1) of the methods listed in section (c).
- (c) Surplus property that has a value of one thousand dollars (\$1,000.00) or more must be disposed of by one (1) of the following methods:
 - (1) Advertisement on an appropriate government auction site.
 - (2) Advertisement in local paper for sealed bids.
 - (3) Negotiated sale: When property has not been sold after a sealed bid and it also has not been sold after being placed on a government auction site, it may be sold to any solicitor who has shown an interest in the property. Every effort should be made to collect as high a price as possible for the item being disposed.
 - (4) Contracted sale: A contract can be established for the sale of surplus items generated on a continuing basis, such as scrap metal or old meters.
 - a. Such contracts must be advertised in a local paper of general circulation or posted on the county's website to allow for all interested parties to submit a bid for the contract proposal.
 - (5) Trade in: When purchasing a new item and the vendor will take the item being replaced as a trade-in, the trade must be fully described with model and serial number on the invoice with the trade-in value listed as an offset to the purchase price of the new item.
- (d) Surplus property may be donated to a non-profit agency such as a volunteer fire or rescue department, public or private schools, towns, etc.

SECTION FIVE: DEBARMENT OR SUSPENSION

Authority.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the board of supervisors, after consulting with the county attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three (3) years. After consultation with the county attorney, the board of supervisors is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall not be for a period exceeding three (3) months. The causes for debarment include:

- (1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
- (2) Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a contractor;
- (3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- (4) Violation of contract provisions, as set forth below, of a character which is regarded by the governing body to be so serious as to justify debarment action:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of any bidding procedures or one (1) or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
- (5) Any other cause the governing body determines to be so serious and compelling as to affect responsibility as a contractor including debarment by another governmental entity for any cause in this policy and for violation of the ethical standards set forth in this policy.

Issuance of written decision.

The county shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his rights concerning judicial or administrative review.

Notice of decision.

A copy of the decision required shall be mailed or otherwise furnished immediately to the debarred or suspended person.

Finality of decision.

A decision shall be final and conclusive, unless the debarred or suspended person, within ten (10) days after receipt of the decision, takes an appeal to the board of supervisors or commences a timely action in court in accordance with applicable law.

Guidance for the use of these procedures can be found in the Virginia Public Procurement Act.

Resolved by the Board of Supervisors of Rockingham County, Virginia, on this 28th day of June 2023.

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE & OPERATIONS.

Ms. Davidson recalled during the budget process last year, the Board approved a reduction in the “No Charge” tonnage amount from 1,000 pounds to 250 pounds at the landfill. As part of that reduction, it was decided that the change would not go into effect until a credit card system was installed at the landfill to provide citizens with an additional payment option

besides cash and checks. Due to various delays including equipment, third party personnel changes, and consultant software support, the credit card option has not been installed. If the software vendor is able to get the credit card payment option up and running, starting September 1, 2023, the landfill will reduce the “No Charge” tonnage amount to 250 pounds. Notice will be posted at both the landfill message board and scale house, as well as on social media.

FINANCE COMMITTEE

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board approved the following fiscal year 2023-2024 supplemental appropriation:

DCJS ARPA Law Enforcement Equipment Grant Program

The Virginia Department of Criminal Justice Services (DCJS) granted federal American Rescue Plan Act (“ARPA”) funds for law enforcement efforts to reduce violent crime and gun violence, which disproportionately increased since the pandemic and impacted communities. The sheriff will purchase vehicles with the funding.

Supplemental Appropriation: \$253,000

\$253,000 1001-00000-13900-000-339526-000 General Fund: Federal DCJS Grants
\$253,000 1001-03102-10313-000-508005-000 Sheriff: Vehicles

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report. Ms. Cooper noted a new federal-state program, the Southeast Crescent Regional Commission (SCRC), was established to promote economic growth across the 7-state region of Alabama, Georgia, Mississippi, South Carolina, North Carolina, and Virginia. The localities in the Central Shenandoah Planning District Commission region that fall under the new designation include Augusta, Staunton, Waynesboro, Rockingham, and Harrisonburg. She explained that the SCRC, which is authorized under the 2008 Farm Bill, will invest in projects that support basic infrastructure, business development, natural resources, and workforce/labor development. Its mission is to help create jobs, build communities, and improve the lives of those who reside in the 428 counties of the seven-state region. Ms. Cooper said the CSPDC will serve as one of the administrators of the program.

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REMOVAL FROM TABLE – SUP23-0516 VANGUARD ORGANICS, LLC.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board removed SUP23-0516 Vanguard Organics, LLC from the table.

Supervisor Chandler reviewed conditions to be added to the special use request.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board, with the following conditions, approved SUP23-0516 Vanguard Organics, LLC, 133 Boston Post Road, Building 15, 2nd floor, Weston MA 02493, for a biomass conversion facility located on the north side of Lawyer Road (Route 655), approximately 0.34 mile east of Port Republic Road (Route 253). Zoned A-1 (Prime Agricultural District). Tax Map #152-(A)- L91. Election District 3.

CONDITIONS:

1. Use shall be in substantial accordance with the site plan submitted with the application.

2. The use and structure shall comply with all applicable federal, state, and local regulations.
3. All food waste used in the reclamation facility shall originate within the Commonwealth of Virginia.
4. Manure used in the reclamation facility shall originate from tax parcel 152-(A)-L91 or adjoining parcel unless there is insufficient quantity, and then shall originate from another farm located in Rockingham County, Virginia.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board recessed the meeting from 6:25 p.m. to 6:58 p.m., for a closed meeting pursuant to Section 2.2-3711.A(3), Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; 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 BREEDEN

RESOLUTION NO: 23-13
 MEETING DATE: June 28, 2023

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, RITCHIE
 NAYS: NONE
 ABSENT: KYGER, WOLFE-GARRISON

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PUBLIC HEARINGS – REZONING REQUESTS.

REZ23-0441 CARLTON HOPKINS

At 7:00 p.m., Chairman Ritchie reconvened the meeting and Mr. Nicely reviewed the following rezoning request:

REZ23-0441 Carlton Hopkins, 10200 Hop Hill Lane, McGaheysville VA, request to rezone approximately 1.825 acres from B-1 (General Business) to A-2 (General Agricultural). The property is located on the southern corner of the Jacob Burner Drive (Route 991) and Cave Hill Road (Route 641) intersection. Tax Map # 142-(A)- L99 & 142-(A)- L98. Election District 5.

Chairman Ritchie opened the public hearing at 7:03 p.m.

Applicant, Mr. Hopkins, provided the details of his request and answered questions asked by Board members.

No members of the public spoke regarding the request.

The public hearing was closed at 7:08 p.m.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board approved REZ23-0441 Carlton Hopkins, 10200 Hop Hill Lane, McGaheysville VA, to rezone approximately 1.825 acres from B-1 (General Business) to A-2 (General Agricultural). The property is located on the southern corner of the Jacob Burner Drive (Route 991) and Cave Hill Road (Route 641) intersection. Tax Map # 142-(A)- L99 & 142-(A)- L98. Election District 5.

REZ23-0498 JORDAN & LAURA LAMBERT

Land-use Planner Yankey reviewed the following request:

REZ23-0498 Jordan & Laura Lambert, 14999 Randall Road, Grottoes VA, request to rezone 3.902 acres from PG (Planned Growth) to A-2 (General Agricultural) located directly south of the intersection of Randall Road (Route 695) and Critter Lane (private). Tax Map # 160B-(4)- L1. Election District 5.

Chairman Ritchie opened the public hearing at 7:14 p.m.

Mr. Lambert indicated he would like to add an additional dwelling to his property for his family. He explained that the existing dwelling will be occupied by an elderly friend, while his family provides care to the individual. Mr. Lambert stated the dwelling will not be used as a rental property.

No members of the public provided comments or concerns.

Chairman Ritchie closed the public hearing at 7:18 p.m.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board approved REZ23-0498 Jordan & Laura Lambert, 14999 Randall Road, Grottoes VA, to rezone 3.902 acres from PG (Planned Growth) to A-2 (General Agricultural) located directly south of the intersection of Randall Road (Route 695) and Critter Lane (private). Tax Map # 160B-(4)- L1. Election District 5.

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PUBLIC HEARINGS – ORDINANCE AMENDMENTS.

Zoning Administrator Getz reviewed the following ordinance amendment:

OA23-0738 Staff generated ordinance amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-707.04, Signs as Permitted Uses, to allow a special use permit to be obtained for signage in the BX (Business Interchange) district that does not meet the requirements set forth in Table 17-707.04.

Chairman Ritchie opened the public hearing at 7:23 p.m.

No public comments were received, and the public hearing was closed.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board adopted OA23-0738, a staff generated ordinance amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-707.04, Signs as Permitted Uses, to allow a special use permit to be obtained for signage in the BX (Business Interchange) district that does not meet the requirements set forth in Table 17-707.04.

Zoning Administrator Getz reviewed the following ordinance amendment:

OA23-0741 Staff generated ordinance amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-201, Definitions generally, to remove ‘Story’ and ‘Basement’.

Chairman Ritchie opened the public hearing at 7:26 p.m.

No members of the public spoke, and the public hearing was closed at 7:26 p.m.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board adopted OA23-0741, a staff generated ordinance amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-201, Definitions generally, to remove ‘Story’ and ‘Basement’.

Mr. Getz reviewed the following ordinance amendment:

OA23-0762 Staff generated ordinance amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-607, Supplemental standards for certain land uses, to amend the supplemental standards for Wireless telecommunications facilities.

Mr. Getz reported that in 2019, the state legislature passed a law disallowing local government from charging consulting fees or requiring propagation maps from wireless telecommunication facilities. He pointed out the County has been abiding by the law since 2019 but did not update the language in the County Code. The request is to amend the ordinance to mirror state code, he said.

Chairman Ritchie opened the public hearing at 7:30 p.m.

No members of the public spoke.

Chairman Ritchie closed the public hearing at 7:30 p.m.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 3 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – ABSENT; the Board adopted OA23-0762, a staff generated ordinance amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-607, Supplemental standards for certain land uses, to amend the supplemental standards for Wireless telecommunications facilities to comply with the Code of Virginia.

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ADJOURN.

Chairman Ritchie declared the meeting adjourned at 7:33 p.m.

Chairman