

July 12, 2023

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 12, 2023, at 3:00 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 – *participated virtually.*

Also present:

J. DANIEL CULLERS, Commissioner of the Revenue

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., 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
- PAULA A. GREENHAGEN, Director of Human Resources
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- ANN MARIE RITCHIE, Director of Court Services
- LOGAN T. BORROR, Deputy Director of Public Works
- DUSTY L. MOYER, Deputy Director of Technology
- RACHEL A. SALATIN, Deputy Director of Community Development
- KELLY S. GETZ, Zoning Administrator
- MARCO KNORR, Park Manager
- MOLLY S. BARNETT, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- JEREMY S. MASON, Assistant Residency Administrator
Virginia Department of Transportation

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

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

Supervisor Wolfe-Garrison provided the invocation, and Director of Engineering Ross Morland 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 to 2, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSTAIN; RITCHIE – AYE; WOLFE-GARRISON – ABSTAIN; the Board approved the minutes of the regular meeting of June 28, 2023.

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CONSIDERATION – REFUND OF PERSONAL PROPERTY TAXES.

Commissioner of the Revenue Cullers requested a refund be issued to Dext Capital, LLC, for personal property taxes paid in tax year 2022. He explained Dext Capital is an equipment leasing company, and the company incorrectly used the client’s corporate address as the location

of leased equipment reported to the County. Mr. Cullers said the equipment is located in Indiana and has been since the inception of the lease.

On motion by Supervisor Wolfe-Garrison, 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 directed the Treasurer to issue a refund of \$22,275 to Dext Capital, LLC for personal property taxes paid in tax year 2022.

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ROCKINGHAM COUNTY LANDFILL CONCERNS.

Gary Ambrose shared concerns about garbage being removed from the landfill by County employees. Mr. Ambrose said he has witnessed people take items in the past, and feels they are taking them for personal use or to resell for profit.

Chairman Ritchie thanked Mr. Ambrose for voicing his concerns to the Board, and indicated the issues at the landfill will be addressed.

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METROPOLITAN PLANNING ORGANIZATION LONG-RANGE TRANSPORTATION PLAN UPDATE.

Ann Cundy, Director of Transportation for the Central Shenandoah Planning District Commission (CSPDC) provided an update regarding the Long-Range Transportation Plan (LRTP). The LRTP is a 25-year plan for current and long-term transportation needs and planned investments in the region based on documented transportation data and public input. Ms. Cundy noted that the CSPDC has the capability of analyzing traffic origins and destinations in order to determine where congestion occurs. Ms. Cundy answered various questions from Board members.

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PRESENTATION – UNITED WAY OF HARRISONBURG AND ROCKINGHAM COUNTY.

Jo Benjamin, United Way Director of Community Impact, provided a presentation on Asset Limited, Income Constrained, Employed (ALICE) citizens living and working in the community. Ms. Benjamin explained ALICE individuals fall above the federal poverty line but below the ALICE threshold, which is the minimum income that a household needs to afford basic living costs based on household composition and specific to the locality. She introduced a new United Way program called the RockBurg Community Assistance, Resources & Economic Stabilization (CARES) Network which offers financial education services and assistance to local ALICE individuals and families.

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FIRE AND RESCUE.

Chief Jeremy Holloway reported demolition has started at the Elkton station, and said staff are now operating out of the former Chevrolet dealership on Route 33. Regarding staffing at the Rock Street station in the City of Harrisonburg, Mr. Holloway indicated staff are responding to calls from the North End station and the Port Republic Road station.

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COMMENTS CONCERNING THE ELKTON BOUNDARY LINE AGREEMENT.

Attorney Greg Haley of Gentry Locke appeared on behalf of Go Mart, a business affected by the Elkton Boundary Line Agreement (BLA) approved by the Board on May 24, 2023. He stated his client is requesting that the Board take action to deny the BLA as approved, and send it

back to the Town of Elkton for revision. Mr. Haley provided a petition signed by five business owners and over 400 property owners in opposition to the BLA.

Mr. Haley cited reasons for his client's opposition. He said additional town taxes will create a burden to business owners without adding any benefit, indicating the biggest factor is the cigarette tax. He said the County also loses the meals tax from restaurants that are now within Town boundaries. Mr. Haley indicated the Town did not make any effort to inform property owners how they will benefit from the BLA.

Mr. Haley said Phil Shuman, President of Go Mart, attended the Town's public hearing on March 20, 2023, and stated his opposition to the BLA. He also noted when citizens in the Monger Hill neighborhood complained, the Town revised the BLA and took them out. Go Mart is requesting to be treated the same as those citizens, he said.

Mr. Haley reiterated his client's desire for the Board to deny the BLA. He stated if the County proceeds, he anticipates there will be a challenge. He said although the Board held a public hearing at its meeting of May 24, 2023, there was a procedural issue since his clients and other property owners were not made aware of the meeting. The County's advertisement was not effective as public notice, he said. Mr. Haley added that they do not believe the advertisement met legal requirements. He concluded by saying it is beneficial to send the BLA back to the Town level for further consideration.

County Attorney Miller responded that the County's notice was done in accordance with the law. Mr. Miller referenced the minutes of the Town's March 20, 2023, meeting, and read the names of individuals who spoke during the public hearing. He noted that, according to the minutes, there was no Go Mart representative who spoke. Mr. Miller recalled that at the Board of Supervisors meeting held on May 24, 2023, no one spoke at all during the public hearing for the BLA. He said the County's notices were both customary and statutorily consistent with the Town's notices.

Public discussion surrounding the BLA and annexation began in the Town three years ago, Mr. Miller continued. Town officials were aware of concerns and had received a fair amount of feedback from residents. Mr. Miller also pointed out that the Town recently approved new water and sewer rates at the June 26, 2023, meeting, and as of July 1, rates for out-of-town customers doubled.

Regarding the petition, Mr. Miller commented that his request to view the petition prior to the meeting was declined. He again referenced the minutes of the March 20 Town of Elkton meeting, which reflected the BLA would involve 63 total properties, including 53 residences. Mr. Miller pointed out there was an obvious mismatch of numbers since the petition contains over 400 signatures alleging to be affected property owners. The petition contained no addresses, and many names were illegible, making it impossible to verify the identities or properties of those who signed. Mr. Miller said the only property owners affected are those 53 residents within the BLA area.

Mr. Miller displayed a map detailing the area subject to the BLA, and a Town annexation agreement from 2001. According to the annexation agreement, the Town only requires a unilateral ordinance to take in properties within the agreement area. Mr. Miller noted this information has been publicly available in the Clerk's office since the annexation agreement was put in place, and Go Mart purchased their property in 2015. He clarified that even though the annexation agreement could be executed by the Town at any time, the Town opted to do the BLA since that would apply to properties outside of the annexation agreement area.

Mr. Miller concluded by stating his remarks are intended to provide clarity and background, and there is no implication that any action should or should not be taken. He said both the Town and the County have, after all due process, approved the BLA. The next step is to file a joint petition with the Rockingham County Circuit Court. Should anything interrupt that process, said Mr. Miller, it would be within the Town's right and authority to annex the subject properties under the annexation agreement.

Chairman Ritchie said he understood Mr. Haley's comments and his client's perspective, however, he indicated what Mr. Miller explained was correct. Mr. Haley expressed appreciation, and noted there was still a respectful disagreement regarding the adequacy of the public notice.

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE & OPERATIONS.

Ms. Davidson recalled the County issued a Request for Proposals (RFP) for the replacement of existing backup and recovery software, which received two responses. She said staff recommended awarding the contract to SHI International Corporation for a total cost of \$322,713.89 over a five-year contract term.

On motion by Supervisor Wolfe-Garrison, 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 awarded a contract to SHI International Corporation for a total cost of \$322,713.89 over a five-year term for IT Backup and Recovery Software.

Ms. Davidson reported Court Services received a \$40,000 grant from Sentara RMH for a vehicle to transfer the Crisis Intervention training simulator. A Ford Transit has been approved by the County Garage for this use.

On behalf of the Finance Committee, on motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2023-2024 Supplemental Appropriation:

Sentara Crisis Intervention Training Vehicle Grant

Supplemental Appropriation: \$40,000

\$40,000	1001-00000-11899-000-318400-000	General Fund: Local Grants
\$40,000	1001-02110-10258-000-508001-000	Court Services: CIT: Machinery & Equipment

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COMMUNITY DEVELOPMENT

Ms. Cooper requested the Board’s support to further study each of the following items: the impact of intensive poultry operations on communities, electronic messaging centers and how to increase safety where they are located, and the effect of short-term rentals on neighboring properties and the housing market.

Discussion ensued regarding short-term rentals and Ms. Cooper answered various questions from Board members. She indicated although extensive conversations on this issue have previously occurred, the current study focus is not on the allowance of short-term rentals, but rather their impact on local housing inventory.

Administrator King stated staff have received multiple calls of concern about intensive poultry operations. He said he believes the primary issues are well water usage and the impact on aquifers, as well as the costs of stormwater plan review and inspection. Chairman Ritchie said close attention must be paid to issues such as competition with family farms and biosecurity for an operation of this size.

Chairman Ritchie remarked that gaining more information would be useful, and indicated staff had the Board’s approval to move forward in studying each of the three areas.

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RECESS.

At 5:08 p.m., Supervisor Breedon left the meeting, and Chairman Ritchie recessed the meeting for dinner.

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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.

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PUBLIC HEARING – VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY ROAD SIX-YEAR IMPROVEMENT PROGRAM.

Mr. Komara presented the proposed Secondary Six-Year Plan for Fiscal Years 2023-2024 through 2028-2029, and the proposed Secondary Construction Budget for Fiscal Year 2023-2024. He indicated the six-year plan is a rural rustic concept which allows VDOT to use 30-foot prescriptive rights-of-way, dig ditches and provide pipes. Mr. Komara said the most significant problem is drainage.

Mr. Komara reviewed proposed projects on the Six-Year Plan and answered questions from Board members.

Chairman Ritchie opened the public hearing at 6:25 p.m. No public comments were received, and Chairman Ritchie closed the public hearing at 6:26 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, 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 the Secondary System Construction Program Estimated Allocations report for Rockingham County as follows:

Secondary System
Rockingham County
Construction Program
Estimated Allocations

Fund	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	Total
CTB Formula - Unpaved State	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula Secondary State	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TeleFee	\$178,847	\$178,847	\$178,847	\$178,847	\$178,847	\$178,847	\$1,073,082
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$1,238,058	\$1,078,349	\$986,572	\$986,572	\$986,572	\$986,572	\$6,262,695
Total	\$1,416,905	\$1,257,196	\$1,165,419	\$1,165,419	\$1,165,419	\$1,165,419	\$7,335,777

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PUBLIC HEARINGS – SPECIAL USE PERMITS.

SUP23-0659 J. GALEN BEERY

Zoning Administrator Getz reviewed the following request:

SUP23-0659 J. Galen Beery, for a machinery and equipment center located on the north side of Rushville Road (Route 737) and west side of Harness Shop Road (Route 810). Zoned A-1 (Prime Agricultural District). Tax Map #106-(A)- L94. Election District 2.

Mr. Berry, the applicant, was present.

At 6:29 p.m., Chairman Ritchie opened the public hearing. No public comments were received, and the public hearing was closed at 6:30 p.m.

On motion by Supervisor Wolfe-Garrison, 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 approved SUP23-0659 J. Galen Beery, for a machinery and equipment center located on the north side of Rushville Road (Route 737) and west side of Harness Shop Road (Route 810).

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SUP23-0724 WAYNE T. GEHMAN & CARMEN F. WYSE

Mr. Getz presented the following request:

SUP23-0724 Wayne T. Gehman & Carmen F Wyse, for a utility building, large, located on the north side of Well Hollow Road (Route 777) approximately 700 feet east of Snapps Creek Road (Route 752). Zoned A-2 (General Agricultural District). Tax Map # 78-(A)- L2A. Election District 2.

Mr. Getz stated the applicants are requesting to build a 24’x30’ utility building, and there are currently no dwellings on the property.

Chairman Ritchie opened the public hearing at 6:32 p.m.

Applicant Wayne Gehman indicated he and his wife purchased the subject property with plans to build a future retirement home, and he intends to use the proposed utility building for lumber and equipment storage.

At 6:34 p.m., Chairman Ritchie closed the public hearing.

On motion by Supervisor Wolfe-Garrison, 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 approved SUP23-0724 Wayne T. Gehman & Carmen F Wyse, for a utility building, large, located on the north side of Well Hollow Road (Route 777) approximately 700 feet east of Snapps Creek Road (Route 752).

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UPDATE – ROCKINGHAM COUNTY FAIR.

Rockingham County Fair General Manager Rebecca Holloway provided an update to the Board. She said this year marks the 75th anniversary and the Fair will be held August 14-19, 2023. Ms. Holloway reviewed the Fair’s activities and said other fairs around the country look to Rockingham County as an example, particularly for the livestock facilities. Supervisor Kyger thanked Ms. Holloway and remarked the Fair is a source of pride and a destination for the County.

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REMOVAL FROM THE TABLE.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, 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 removed SUP21-219 Linda Cowasjee from the table.

Mr. Getz recalled this request was tabled at the January 26, 2022, meeting and was on hold until the kennel ordinance was finalized.

On motion by Supervisor Chandler, 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 approved SUP21-219 Linda Cowasjee, 14225 Hupp Road, Timberville, VA for a commercial dog kennel located on the west side of Hupp Road approximately 0.3 mile north of Long Meadow Drive, in Election District 1.

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ADJOURN.

Chairman Ritchie declared the meeting adjourned at 6:54 p.m.

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Chairman