

July 13, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 13, 2022, 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

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
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources
- ROSS C. MORLAND, Director of Engineering
- PHILIP S. RHODES, Director of Public Works
- MICHAEL L. BOWEN, Deputy Director of Technology
- RACHEL A. SALATIN, Deputy Director of Community Development
- KELLY S. GETZ, Zoning Administrator
- DYLAN L. NICELY, Land-Use Planner
- KAYLA R. YANKEY, Land-Use Planner
- MOLLY S. BARNETT, 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 3:00 p.m.

Supervisor Wolfe-Garrison provided the invocation, and Public Works Director Rhodes 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 June 22, 2022.

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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.

RESOLUTIONS OF SUPPORT FOR SMART SCALE APPLICATIONS.

Mr. Komara proposed transportation improvement projects recommended for Smart Scale funding.

After discussion, the Board moved forward with two resolutions. The Board adopted a resolution for improvements at the intersection of US 340 and Route 649 (Island Ford Road). The Board also adopted a resolution for the conversion of the intersection of US 33 and Rockingham Park Way to an unsignalized restricted crossing U-turn.

Supervisors opted to hold off on two projects: improvements to the intersection of US 33 and Route 276 (Cross Keys Road)/Route 620 (Indian Trail Road), and the intersection of US 33 and Route 644 (Resort Drive)/Route 644 (Mt. Olivet Church Road). The projects as presented drew concern from Board members.

No action was taken on the conversion of the intersection of US 33 and Route 649 (Island Ford Road).

On motion by Supervisor Ritchie, 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 adopted the following resolutions:

**RESOLUTION
ENDORING THE SUBMISSION OF VDOT SMART SCALE APPLICATIONS**

WHEREAS, the Board of Supervisors of Rockingham County is submitting an application through the Virginia Department of Transportation (VDOT) SMART SCALE Program; and

WHEREAS, that application is for the conversion of the intersection of US 33 and Rockingham Park Way to an unsignalized restricted crossing U-turn, as recommended in the US 33 Arterial Management Plan.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors of Rockingham County hereby supports this SMART SCALE Program Round 5 application.

**RESOLUTION
ENDORING THE SUBMISSION OF VDOT SMART SCALE APPLICATIONS**

WHEREAS, the Board of Supervisors of Rockingham County is submitting an application through the Virginia Department of Transportation (VDOT) SMART SCALE Program; and

WHEREAS, that application is for the installation of a traffic signal and northbound left-turn lane at the US 340 and Route 649 (Island Ford Road) intersection.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors of Rockingham County hereby supports this SMART SCALE Program Round 5 application.

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ACCEPTANCE OF ABSTRACT OF VOTES.

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 instructed the Clerk to spread the following abstract of votes from the June 21, 2022, Republican Primary Election:

ABSTRACT of VOTES

Cast in ROCKINGHAM COUNTY, VIRGINIA
at the 2022 June Republican Primary Election held on June 21, 2022, for,

Member House of Representatives

| <i>NAMES OF CANDIDATES ON THE BALLOT</i> | <i>TOTAL VOTES RECEIVED (IN FIGURES)</i> |
|--|--|
| Ben L. Cline | 3162 |
| Merritt D. Hale | 476 |
| Total Number of Overvotes for Office | 1 |

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

Public Works Director Rhodes reported that bids were received for a building addition at the Rockingham County Garage. He recommended awarding the project to Mastercraft Construction. Three bids were received as follows:

| Bidder | Bid |
|--------------------------|------------|
| Mastercraft Construction | \$204,882 |
| Lantz Construction | \$226,500 |
| Harman Construction | \$234,776 |

On behalf of the Public Works Committee, on motion by Supervisor Ritchie, seconded by Supervisor Breedon, 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 the Garage Addition project to Mastercraft Construction at a cost of \$204,882.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

Ms. Cooper proposed that the Comprehensive Plan rewrite contract be awarded to The Berkley Group, at a cost not to exceed \$160,000. Ms. Cooper requested that the County Attorney review the contract with The Berkley Group and make any necessary revisions prior to the County Administrator’s signature. Concurrent with this proposal is the Central Shenandoah Planning District Commission work on the transportation chapter of the plan, at a cost not to exceed \$30,000.

County Attorney Miller clarified that he has already reviewed the contract in depth and will not make any substantiative changes going forward.

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 Administrator King to award a contract to The Berkley Group, not to exceed \$160,000, and to contract with the Central Shenandoah Planning District Commission to prepare the transportation chapter of the Comprehensive Plan, at a cost not to exceed \$30,000.

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ASSISTANT COUNTY ADMINISTRATOR FOR DEVELOPMENT.

The Board received and reviewed Mr. Armstrong’s staff report dated July 13, 2022.

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE & OPERATIONS.

Mrs. Davidson stated the finance department has officially started the FY24 Non-Profit Grant Process. Staff is in the process of contacting past recipients.

Mrs. Davidson reviewed supplemental appropriations for FY22 and FY23.

Fiscal Year 2022 Supplemental Appropriations

On behalf of the Finance Committee, 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 approved the following fiscal year 2022 Supplemental Appropriations:

Central Stores

The County is closing out the Central Stores Fund. In order to close out the fund, a transfer is required from the central stores fund to the general fund. A supplemental appropriation is required for the transfer.

Supplemental Appropriation: \$27,038.90

1303-09301-00000-000-509501-000 Transfer to General Fund
1001-00000-15101-000-351303-000 Transfer from Central Stores

County Capital Projects

A supplemental appropriation in the amount of \$800,000 as part of the Rockingham 2020 plan. It is good practice to use pay as you go funding for capital projects, and it is prudent to set aside funds for future projects. The plan called for \$800,000 to be set aside each year in the Capital Projects Fund in order to build the fund balance and be available for miscellaneous projects as needed. Staff recommended that the Board of Supervisors continue that practice.

Supplemental Appropriation: \$800,000

\$800,000 GL Code: 1101-09401-00000-000-508399-000 Capital Projects: Misc Projects
\$800,000 GL Code 1101-00000-15102-000-351000-000 Transfer from General Fund
\$800,000 GL Code: 1001-09301-00000-000-509511-000 Transfer to Capital Projects Fund
\$800,000 GL Code: 1001-00000-15201-000-352000-000 General Fund: Fund Balance

Fire & Rescue HazMat Funds

Fire & Rescue purchased a gas meter for a Haz-mat truck from Safeware Inc. in the amount of \$50,909.55. The County received a check from the City for this amount, which represents the County’s share of a Haz-mat grant that was received by the City.

Supplemental Appropriation: \$50,909.55

\$50,909.55 GL Code:1001-03201-00000-000-506065-000 Fire & Rescue: Hazmat Funds
\$50,909.55 GL Code:1001-00000-11899-000-318990-000 Miscellaneous Revenue

Fiscal Year 2023 Supplemental Appropriations

On behalf of the Finance Committee, 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 approved the following fiscal year 2023 Supplemental Appropriations:

County Garage Addition

A supplemental appropriation in the amount of \$250,000 for the County Garage Addition. Originally, \$154,000 was included in the FY22 budget, however, after two attempts to stay under budget the low bid is \$204,882. The additional funding will allow for equipment and other fixtures not included in the base contract.

Supplemental Appropriation: \$250,000

\$250,000 GL Code:1101-09401-00000-000-508334-000 Capital Proj: County Garage Addition
 \$250,000 GL Code:1101-00000-15201-000-352000-000 Capital Proj Fund: Fund Balance

Cash Proffers

The County received general cash proffers of \$38,500 in FY22. The general cash proffers received were \$3,500 per house and were designated to go towards education and public safety. Based on the appropriation of general cash proffers last year, they were divided in half.

Port Road Fire Station – Capital Project - \$19,250
 School Capital Project (Spotswood Division) - \$19,250

A supplemental appropriation in the amount of \$38,500 to account for cash proffers received in FY22 and are to be expended in FY23.

Supplemental Appropriation: \$38,500

| | | |
|----------|---------------------------------|--|
| \$19,250 | 1101-09401-00000-000-508388-000 | Port Road Fire Station |
| \$19,250 | 1101-00000-15102-000-351000-000 | Transfer from General Fund |
| \$19,250 | 1001-09301-00000-000-509511-000 | Transfer to Capital Projects |
| \$19,250 | 1001-00000-15201-000-352000-000 | General Fund Reserve |
| | | |
| \$19,250 | 2103-66600-00000-303-608010-000 | School Capital Projects |
| \$19,250 | 2103-00000-25101-000-400090-000 | Transfer from General Fund |
| \$19,250 | 1001-09301-00000-000-509513-000 | Transfer to School Capital Projects Fund |
| \$19,250 | 1001-00000-15201-000-352000-000 | General Fund Reserve |

Elkton Emergency Response Station Renovation

The County received funds from an Elkton Rescue Squad donation in the amount of \$17,372.10. A supplemental appropriation for the Elkton Emergency Response Station Renovation.

Supplemental Appropriation: \$17,372.10

\$17,372.10 GL Code:1101-09401-00000-000-508378-000 Capital Proj: Emer Response Station
 \$17,372.10 GL Code:1101-00000-15201-000-352000-000 Capital Proj Fund: Fund Balance

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

Mrs. Mongold presented health insurance rates for the upcoming plan year starting on October 1, 2022. She stated that although May and June reports from Anthem have not been received, the County currently has two-thirds of employees qualifying for wellness rates. Wellness rates are included in the rates presented in the Human Resources staff report. Mrs. Mongold noted that the County is offering two 100% employee paid dental options this year. She recommended the Board adopt the health insurance rates as presented for the upcoming year.

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 health insurance rates for the upcoming plan year starting on October 1, 2022:

| Anthem KC 20 – | Employee Wellness Rate | Standard Non-Wellness Employee Rate | County Contribution |
|-----------------------|-------------------------------|--|----------------------------|
| Employee Only | \$41 | \$66 | \$602 |
| Employee & Spouse | \$331 | \$356 | \$1,044 |
| Employee & Child | \$255 | \$280 | \$820 |
| Employee & Children | \$395 | \$420 | \$1,230 |
| Employee & Family | \$455 | \$480 | \$1,400 |

| HDHP Full-Time | Employee Wellness Rate | Standard Non-Wellness Employee Rate | County Contribution |
|-----------------------|-------------------------------|--|----------------------------|
| Employee Only | \$15 | \$40 | \$480 |
| Employee & Spouse | \$155 | \$180 | \$940 |
| Employee & Child | \$121 | \$146 | \$766 |
| Employee & Children | \$187 | \$212 | \$1,110 |
| Employee & Family | \$217 | \$242 | \$1,270 |
| | | | |

| Dental | Standard Dental Plan Monthly Rate | Dental Plan w/ Ortho Monthly Rate |
|---------------------|--|--|
| Employee Only | \$32 | \$52 |
| Employee & Spouse | \$60 | \$80 |
| Employee & Child | \$60 | \$80 |
| Employee & Children | \$100 | \$110 |
| Employee & Family | \$100 | \$110 |

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REMOVAL FROM THE TABLE

Supervisor Chandler requested the Board remove OA22-1162 from the table. He noted there was a robust discussion at the May 25, 2022 meeting. The Board was ready to adopt the ordinance, but there was inquiry from another group that was asked if they had suggestions, which they did not. Supervisor Chandler thanked the staff for their work on the ordinance.

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 removed OA22-1162 from the table.

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 AND RE-ENACTING
SECTIONS 17-306.02, 17-307.02, 17-308.02, 17-310.02, 17-311.02
AND 17-312.02
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

Section One.

That Sec. 17-306.02 - Requirements hereby is repealed and re-enacted as follows:

Sec. 17-306.02. Requirements.

Any new R-1 district created after October 1, 2014, shall be located in urban growth areas designated in the comprehensive plan or any other plan adopted by the county or create a logical extension of or adjoin an existing R-1 district.

All other parts of Section 17-306 are re-affirmed.

Section Two.

That Sec. 17-307.02 - Requirements hereby is repealed and re-enacted as follows:

Sec. 17-307.02. - Requirements.

Any new R-2 district created after October 1, 2014, shall be located in urban growth areas designated in the comprehensive plan or any other plan adopted by the county or create a logical extension of or adjoin an existing R-2 district.

All other parts of Section 17-307 are re-affirmed.

Section Three.

That Sec. 17-308.02 - Requirements hereby is repealed and re-enacted as follows:

Sec. 17-308.02. - Requirements.

- (a) While allowing for a variety of uses, the R-3 district is primarily residential. All nonresidential uses shall be compatible with the residential nature of the district.
- (b) Any new R-3 district created after October 1, 2014, shall be located in urban growth areas designated in the comprehensive plan or any other plan adopted by the county or create a logical extension of or adjoin an existing R-3 district.

All other parts of Section 17-308 are re-affirmed.

Section Four.

That Sec. 17-310.02 - Requirements hereby is repealed and re-enacted as follows:

Sec. 17-310.02. - Requirements.

- (a) Any new B-1 district created after October 1, 2014, shall be located in urban growth areas designated in the comprehensive plan or any other plan adopted by the county or create a logical extension of or adjoin an existing B-1 district.
- (b) Sites shall be designed and built to ensure safe pedestrian and vehicular access internal to the site and to adjoining properties.
- (c) Sites with adequate frontage and depth shall be provided to prevent sprawling strip commercial development and to permit controlled access to public streets.
- (d) To maintain traffic safety and flow along the fronting public streets, interparcel access shall be provided.

All other parts of Section 17-310 are re-affirmed.

Section Five.

That Sec. 17-311.02 - Requirements hereby is repealed and re-enacted as follows:

Sec. 17-311.02. - Requirements.

- (a) The B-2 district shall be located in urban growth areas designated in the comprehensive plan or any other plan adopted by the county or create a logical extension of or adjoin an existing B-2 district.
- (b) The B-2 district shall be located at minor intersections or in proximity to residential neighborhoods.
- (c) Scattered or strip development is not appropriate.
- (d) Activities in this district shall not be characterized by heavy trucking.

All other parts of Section 17-311 are re-affirmed.

Section Six.

That Sec. 17-312.02 - Requirements hereby is repealed and re-enacted as follows:

Sec. 17-312.02. - Requirements.

- (a) The I-1 district shall be located within urban growth areas as designated in the comprehensive plan or any other plan adopted by the county or create a logical extension of or adjoin an existing I-1 district.
- (b) The I-1 district is primarily oriented to primary roads, major intersections, interstate interchanges, and rail.
- (c) Industrial uses shall have minimal public interaction.
- (d) Sites with adequate frontage and depth shall be provided to prevent the scattering or stripping of industrial development and to permit controlled access to public streets.
- (e) To maintain traffic safety and flow along the fronting public streets, interparcel access shall be provided.

All other parts of Section 17-312 are re-affirmed.

This ordinance shall be effective from the 13th day of July, 2022.

Adopted the 13th day of July, 2022.

PUBLIC HEARING – ORDINANCE AMENDMENT.

At 6:00 p.m., Chair Wolfe-Garrison reconvened the meeting and opened a public hearing concerning an intent to adopt an ordinance to amend Section 6A-6 pertaining to the Election District No. 5, Stony Run Precinct (505) polling place in Rockingham County.

County Attorney Miller explained that the ordinance amendment would relocate the voting location in Stony Run precinct from McGaheysville Volunteer Fire Department to Spotswood High School.

On motion by Supervisor Breeden, 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 adopted the following ordinance amendment:

**ORDINANCE
REPEALING AND RE-ENACTING
THE ELECTION DISTRICT NO. 5
PORTION OF
SECTION 6A-6
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 6A-6 “Precincts and polling places – Establishment and authority” pertaining to Election District No. 5 be and hereby is repealed and re-enacted as follows:

Election District No. 5

| Precinct | Polling Place |
|-------------------|--|
| 501 Elkton | Elkton-East Rockingham Area Community Center |
| 502 Swift Run | Elkton Middle School |
| 503 McGaheysville | McGaheysville Elementary School |
| 504 South Fork | River Bend Elementary School |
| 505 Stony Run | Spotswood High School (Auxiliary Gym) |

All other portions of Section 6A-6 continue as they were, reaffirmed and unaffected.

This ordinance shall be effective from the 13th day of July, 2022.

PUBLIC HEARING – REZONING.

At 6:02 p.m., Chair Wolfe-Garrison opened the public hearing and Land-Use Planner Yankey reviewed the following rezoning request:

REZ22-1222 Hayder Shahadha 84 Bear Crossing Court Ste A, Penn Laird. VA. This request is to rezone 2.04 acres from B-1 C (General Business with Conditions) to R-3 C (General Residential with Conditions). The property is located on the east side of Bear Crossing Court, on the south side of Spotswood Trail (Route 33). Tax Map #126F-(9)-L1, L2, L3, & L4. Election District 3.

Representing the applicant, Daniel Michael of Valley Engineering was available to answer questions.

No public comments were received.

At 6:05 p.m., Chair Wolfe-Garrison closed the public hearing.

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, subject to the following proffer statement, approved REZ22-1222 Hayder Shahadha 84 Bear Crossing Court Ste A, Penn Laird. VA. This request is to rezone 2.04 acres from B-1 C (General Business with Conditions) to R-3 C (General Residential with Conditions). The property is located on the east side of Bear Crossing Court, on the south side of Spotswood Trail (Route 33). Tax Map #126F-(9)-L1, L2, L3, & L4. Election District 3.

PROFFER STATEMENT:

Applicant/Owners: Hayder Z. Shahadha – Harry Aldieny, Individually and Jointly

Date: July 12, 2022

Rezoning Case Number: REZ22-1222

Tax Map Numbers: 126F-(9)-L4, 126F-(9)-L3, 126F-(9)-L2, 126F-(9)-L1

Hayder Z. Shahadha and Harry Aldieny hereby proffer that the use and development of this property shall be in strict accordance with the following conditions and Bear Crossing Court Sketch Plat, dated 06-02-22:

1. A Property Owners Association or a Management Firm shall oversee and maintain and improve all areas outside of the individual units.
2. At least 51% of the exterior construction materials, siding, shall include wood, brick, stucco, glass, Cementitious Siding, and/or stone, excluding windows, doors, and roofing materials.

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ADJOURN.

Chair Wolfe-Garrison declared the meeting adjourned at 6:06 p.m.

Chairman