

July 14, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 14, 2021, 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:

- STEPHEN G. KING, County Administrator
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- KIRBY W. DEAN, Director of Parks & Recreation
- ANN MARIE FREEMAN, Director of Court Services
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Zoning Administrator
- ROSS C. MORLAND, PE, Engineer
- JOE SHIFFLETT, Building Official
- CARLEY A. STACKPOLE, Code Compliance Officer
- 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 3:00 p.m.

Supervisor Kyger provided the invocation, and County Administrator King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of June 23, 2021.

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HOUSE RESOLUTION NO. 567 COMMENDING DIANA STULTZ.

Delegates Tony O. Wilt and Christopher S. Runion provided Diana Stultz with a resolution from the House of Delegates commending Ms. Stultz, who retired as Zoning Administrator of Rockingham County, after 39 years of service.

Delegate Wilt referred to Ms. Stultz as a dear friend and County employee, who worked for the citizens. He thanked Ms. Stultz for her longevity and tireless efforts.

Delegate Runion indicated he worked with Ms. Stultz on the Planning Commission for almost a decade, and before that he had worked with her on various matters. All his interactions with Ms. Stultz were professional and she worked with citizens in a friendly manner, he said.

Delegate Wilt presented the resolution to Ms. Stultz.

Ms. Stultz thanked Delegates Wilt and Runion for recognizing her with the resolution. She also thanked all County staff; current and past employees. Ms. Stultz said she would not have worked at the County 39 years without the help provided by Delegates Wilt and Runion, and Senator Mark Obenshain, as well as County staff she has worked with over the years.

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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.

Mr. Komara noted VDOT plans to help remove trees near the Brocks Gap Road (Route 259) bridge in Broadway this fall or winter, so that work can begin on the bridge in the summer of 2022.

Mr. Komara noted the South Valley Pike (Route 11) four-lane project will begin soon. He wants to accomplish as much of this project as possible before work begins on widening Interstate 81 (I-81) to provide a detour for interstate traffic when I-81 is closed. Mr. Komara indicated citizens can visit Improve81.org for updates on improvements.

Mr. Komara said VDOT wants to conduct a public Citizen Information Meeting (CIM) this fall, for a potential project to widen Pleasant Valley Road (Route 679) and possibly add a round-about big enough to be accessed by tractor trailers so that school entrances on Pleasant Valley Road can be maintained.

Maintenance items included mowing, brush cutting, shoulder work and skin patching.

Mr. Komara informed Supervisor Kyger that VDOT is working on an estimate for the Rawley Pike (Route 33 West) project.

Supervisor Breeden informed Mr. Komara that a resident on Cemetery Road (Route 843) wants to meet with the two of them. He noted that residents on the other end of Cemetery Road do not think the road needs to be paved. Mr. Komara believes the project should proceed because VDOT is trying to move water away from a couple ditches along Cemetery Road. He told Supervisor Breeden that he will talk with the residents.

Supervisor Ritchie asked about clearing the trees along Brocks Gap Road (Route 259) and how soon work will begin on the permanent bridge. Mr. Komara informed him that the trees near the bridge were originally scheduled to be cut in the fall of 2022, but VDOT plans to cut them this fall, if environmental approval is obtained by then. If the trees are cut this fall, the project can go to advertisement this winter. If the trees are not removed this fall, the clearing will be delayed until the fall of 2022 since the project cannot be advertised before the trees are cut. Mr. Komara also noted there are water lines that need to be moved before the bridge can be put in place. Mr. Komara said it will probably be at least another year to a year and a half before traffic can be moved from the temporary bridge onto the permanent bridge.

Supervisor Ritchie noted traffic being diverted while work is performed on the Route 259 bridge, will need to travel on numerous narrow roads and through residential areas. Mr. Komara said the temporary bridge will accommodate heavy trucks, including cement trucks. However, cement trucks are too heavy to cross the Cootes Store bridge. VDOT is evaluating that bridge but do not yet have an option, except to replace the Cootes Store bridge.

Supervisor Kyger expressed appreciation for VDOT staff cleaning the curbs in Mt. Crawford, which should help with drainage.

Supervisor Kyger questioned whether Mr. Komara had talked with Mt. Crawford Town Manager Libby Orebaugh, who was present, about parking along Main Street in Mt. Crawford. Town Manager Orebaugh indicated the Mt. Crawford Town Council had not approved a resolution yet; they are waiting for VDOT to provide temporary “No Parking” signs.

Supervisor Kyger requested a traffic count on Cecil Wampler Road (Route 704), which he believes will indicate it is over capacity, while the Friedens Church Road bridge that goes over Interstate 81, has been underutilized. He said it would make sense to consolidate traffic onto the Friedens Church Road bridge and into an industrial park next to the interstate.

Supervisor Kyger requested that the traffic count be obtained and broken down between the number of 18-wheelers and number of passenger cars utilizing the Cecil Wampler Road bridge. The count will help VDOT and the Board with decisions, Supervisor Kyger said.

Supervisor Kyger thanked VDOT for their mowing and upkeep, particularly along Dinkel Avenue (Route 257) since citizens will be traveling to the Bridgewater Fire Department’s lawn party this week.

Chair Chandler reminded Mr. Komara of their discussion about turn-lane improvements on Port Republic Road (Route 253) at the intersection of Spaders Church Road (Route 689) and Shen Lake Drive (Route 689), during the June 23, 2021, meeting. Chair Chandler noted that would be a good safety project and suggested extending the left turn lane onto Spaders Church Road several parking space lengths, which would be beneficial since there have been several very close accidents at that intersection.

Chair Chandler also requested turn-lane improvements on Port Republic Road (Route 253) at the intersection of Spaders Church Road and Shen Lake Drive (Route 689).

Chair Chandler reiterated that while they are doing the work, the turn lane should be extended a few car lengths.

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SHENANDOAH NATIONAL PARK REPORT.

Patrick Kenney, the Shenandoah National Park Superintendent who was hired in October 2020, said he is very happy to be in Virginia and the Shenandoah National Park. Mr. Kenney has been with the park service 31 years and has worked in many parks in the United States. Mr. Kenney noted one of the Park’s key staff members who communicated with the eight counties comprising the Park and worked closely with the community and committees, retired a couple months ago,

Mr. Kenney said he believes in working in collaboration with communities and indicated the park system is a critical piece of the community. He noted COVID has not gone away completely; the Park still has some restrictions, but things are more normal with more seasonal staff this year. The Park was a refuge for many people during the pandemic, so visits increased 15 percent for the year. In October 2020, visitation increased 53 percent from the previous year, even though the Park was closed six weeks during the fall. The Park had over 1.6 billion visits in 2020. Mr. Kenney indicated 2021 is expected to have a larger number of visitors than 2020. Reservation numbers have increased for camping and lodging, he said.

The National Park Service performs an annual study to determine the economic impact Park visits have on surrounding communities. The study indicated that tourism spending within a 60-mile radius from the Park was \$1.7 million.

Mr. Kenney noted the Delaware North Corporation concession contract was scheduled to expire at the end of 2022, but with the economic impact they experienced, the Secretary of the Interior extended the concession contract in the Park until 2024.

Upcoming projects in the Park include a large road project from mile post 50 to mile post 65, and the Skyland dining room is being renovated to include a terrace for outside dining.

Mr. Kenney indicated that the Great American Outdoors Act which was passed by Congress and signed into law by former president Trump, set the park service up to receive a funding stream for public lands. The park service received other funding and could be awarded over a billion dollars annually, for a five-year period, Mr. Kenney said.

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**UNITED WAY OF HARRISONBURG AND ROCKINGHAM COUNTY
PRESENTATION.**

Jo Benjamin, United Way Coordinator of Community Impact, provided a presentation regarding citizens who are living and working in the community, and trying to make ends meet through Asset Limited Income Constrained Employed (ALICE). Ms. Benjamin announced that ALICE granted \$400,000 to 30 local organizations with connections in seven priority areas: housing, childcare, transportation, education, food, healthcare, and life skills development.

Ms. Benjamin informed the Board of the Build United program where United Way provides home repairs and modifications for low-income homeowners in the City and the County. They work with Habitat for Humanity to partner on some projects. She noted that 68.9 percent of their applications come from County citizens living in a variety of housing units, with a large number of citizens living in mobile homes.

Build United partners with Valley Program for Aging Services (VPAS) and Valley Associates for Independent Living (VAIL). Ms. Benjamin indicated the two organizations, and the Department of Social Services refer people with housing issues to the Build United program.

In response to a question from Chair Chandler, Ms. Benjamin said Habitat for Humanity originally focused on building new houses, but in order to use their funds more efficiently, they now have a critical home repair program, so they can preserve existing houses.

Administrator King indicated he was not aware of the Build United program, but County staff has participated in the United Way Day of Caring projects. He noted some staff are very capable of performing construction work and may enjoy donating their time and skills. Mr. King stated this could be a good team-building event.

Ms. Benjamin noted the Annual Day of Action (previously Day of Caring) is scheduled on September 22, 2021. She said Build United is looking for volunteers and projects. Supervisor Kyger suggested Ms. Benjamin contact the County and City schools because senior high school students are required to provide public assistance.

Chair Chandler suggested the Day of Action could have projects for Massanutten Technical Center (MTC) students that would provide them with a hands-on learning experience.

Ms. Benjamin was curious about the housing situation locally and what constituents have to say about housing costs. Supervisor Kyger said the Board hears from local activists, but seldom hears from those in need. He stated the County has recognized various issues and has helped in areas that have been under-served. Supervisor Kyger explained that the Board is

very limited on what it can do because of the scarcity of money, but the County and City could help bring various private partnerships together.

Supervisor Kyger stated that he heard at the recent National Association of Counties Conference that 40 percent of mothers who were in the workforce post-pandemic have decided not to return to work because of the lack of affordable childcare. The parents want to go back to work, but it would take most of the money they earn to pay for childcare.

(A copy of Ms. Benjamin’s presentation is included in the “Attachments – Board of Supervisors Minutes” notebook maintained in Administration.)

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INTENT TO ADOPT ORDINANCE AMENDMENT TO CHANGE THE POLLING PLACE FOR THE MT. CRAWFORD PRECINCT (403).

Chair Chandler noted a public hearing will be held on August 25, 2021. The Board of Supervisors plans to formally adopt an ordinance changing the polling place for the Mt. Crawford precinct (403) from the Mt. Crawford Ruritan Hall to the Mt. Crawford Town Hall, located at 779 South Main Street in Mt. Crawford.

It was noted that public comments regarding the new polling place will be accepted beginning immediately until the August 25, 2021, public hearing.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

Administrator King requested that a Resolution Acknowledging the End of the Local Emergency Declared Because of the Corona Virus (COVID-19) Pandemic be adopted. 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 adopted the following resolution:

A RESOLUTION ACKNOWLEDGING THE END OF THE LOCAL EMERGENCY DECLARED BECAUSE OF THE CORONAVIRUS (COVID-19) PANDEMIC

WHEREAS, pursuant to authority vested in him by Virginia Code § 44-146.21, the County Administrator, as the County’s Director of Emergency Management, with the knowledge and consent of the Board of Supervisors, declared a local emergency in response to the imminent threat posed by the Coronavirus (COVID-19) pandemic, the effects of which were anticipated to constitute a disaster as described in Virginia Code § 44-146.16; and

WHEREAS, the outbreak and spread of COVID-19 which warranted the declaration of a local emergency has subsided to an extent that it no longer constitutes a substantial threat of damage to property or injury or harm to the population; and

WHEREAS, the Governor’s declaration of a state of emergency ended on June 30, 2021; and

WHEREAS, the County Administrator has advised that all necessary emergency actions have been taken and it is now appropriate to end the declared emergency, as contemplated under Virginia Code § 44-146.21.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockingham County, Virginia, that pursuant to Virginia Code § 44-146.21 the local emergency declared by the County Administrator be and is hereby declared ended as of July 1, 2021.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated July 14, 2021. Mr. Armstrong noted that the County received the Governor's Agriculture and Forestry Industries Development (AFID) grant for the study of anaerobic digestion. He said a Request for Proposals will be prepared to have that work done. Mr. Armstrong hopes the study will be completed so a presentation can be provided to the Board in August.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Mongold's staff report dated July 14, 2021.

In response to Supervisor Wolfe-Garrison's questions, Mrs. Mongold said she had a difficult time filling part-time positions a couple months ago; but is now finding it difficult to fill full-time positions. She previously received approximately 40 applications for an entry level position but is currently receiving approximately 12 applications from less qualified applicants.

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PUBLIC WORKS STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated July 14, 2021.

Mr. Rhodes reported that the water will be off in Harmony Hills Subdivision (District 2) on July 19, 2021, from approximately 9 a.m. to 2 p.m., to perform a water tap. He indicated the City will notify their customers and Public Works will notify County residents in the area of Harmony Hills Subdivision of the water outage.

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BUILDING AND GROUNDS COMMITTEE REPORT.

Mr. Rhodes indicated District Courts requested renovations to the General District and Juvenile and Domestic Relations (JDR) Court offices to make space for additional JDR staff. He recommended that Harman Construction be approved for the phase G alterations in the amount of \$224,306.

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to enter into a contract with Harman Construction in the amount of \$224,306 to renovate the General District and JDR Court offices to create additional space for JDR staff.

Supervisor Ritchie questioned whether the renovation will be a temporary fix or long-term solution. Mr. Rhodes said the renovation will provide JDR with four or five additional work areas.

Administrator King indicated the renovation will create an improved configuration and optimization of space. JDR is considering including rolling files to use the files more effectively. Administrator King and Mr. Rhodes estimated more additional space will be needed in four or five years. Mr. Rhodes stated no additional space will be created in the General District Court office at this time.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated July 14, 2021.

As a follow up to Mr. Komara's discussion about Rawley Springs Road (Route 847), the County submitted a Revenue Sharing pre-application, which is not a commitment by the County, but provides time for VDOT to explore required funding before final applications are due in October. Ms. Cooper noted the County also submitted a turn lane project for Captain Yancey Road (Route 642) and stated she hopes a County contribution will not be required for that project.

The County will not need to provide funds for Captain Yancey Road since VDOT will be working with the adjoining landowner to determine if they will fully fund the required 50 percent match.

Mr. Dyjak indicated Community Development is requesting an ordinance amendment, which will reduce setbacks for the RV (Rural Village) District, as well as the B-1 District. He said these are two different issues, but both raise the same concerns. Requests have been made to be more flexible and allow better utilization of land.

Mr. Dyjak said there are a number of historic properties in the RV District which are legally nonconforming. He said the current RV District follows the General Agricultural District setbacks. They are very wide and expansive, but do not meet current needs.

Administrator King recommended bringing forward an Ordinance Amendment for the Planning Commission's consideration.

Mr. Dyjak said the County is also looking at the B-1 District to provide flexibility and better utilization, especially on front setbacks for businesses. In light of the Urban Development Plan, a recommendation was made to review the setbacks and provide flexibility within the Urban Development Area (UDA) and other locations.

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 authorized staff to draft the ordinance and forward it to the Planning Commission for consideration.

Following complaints regarding two buildings on Old Resort Lane in Rawley Springs, Virginia (District 4), Building Official Joe Shifflett conducted an on-site structural inspection and took photos, which he provided to the Board for review. Mr. Shifflett noted both structures are in a severe state of disrepair, unsafe and it appears they have been inhabited periodically.

The home located at 11783 has portions of supporting frame structure that are failing.

The building located at 11837 has had portions of the foundation collapse and there are multiple areas of heavy decay due to weather exposure.

Mr. Shifflett stated the buildings located at 11783 and 11837 Old Resort Lane in Rawley Springs, Virginia should be declared dilapidated.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board declared the structures at 11783 and 11837 Old Resort Lane in Rawley Springs, Virginia (District 4) dilapidated and authorized the Building Official to move forward with condemnation proceedings by notifying property owners Stephen C. and Betty R. Lee, and Steven Robert Jones and Katie Pitre Jones, that the structures on their properties must be removed, repaired, or secured.

Supervisor Ritchie wondered if the expenses to remove the structures would be added to the amount the owners owe to the County. Mr. Shifflett hopes to locate the owners by sending notices to their last known addresses via Certified Mail. He would like to communicate with them before the County takes the necessary steps to have the structures removed in accordance with Section 6-6 of the Rockingham County Code.

Note: According to Rockingham County Code section 6-6 (c) and (d), if the owners do not repair, secure, or remove the structure on their property within a reasonable time, the cost or expense for the County to remove the structure may be chargeable to and paid by the owners of the property and may be collected by the County as taxes and levies are collected.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated July 2021.

Mrs. Perry indicated the Technology Department plans to distribute new cell phones during the first two weeks in August.

Administrator King suggested staff turn their current cell phones off and on a couple times during the day. He indicated people have called his phone, but he never received the call.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated July 2020.

Chief Holloway informed Supervisor Ritchie that he spoke with Casey Armstrong and Ross Morland about a grant he had mentioned.

Chief Holloway indicated Volunteer Fire and Rescue Departments are conducting lawn parties in the area. He said some Fire and Rescue Departments are having dinners to raise funds, and noted the volunteers are working hard to continue funding forward. Chief Holloway informed the Board that the Rockingham County Fire and Rescue website includes information about fund-raising events and asked that citizens help support the local Fire and Rescue Departments.

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PARKS AND RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated July 2, 2021.

Mr. Dean said citizens often compliment the Rockingham Park at the Crossroads. He stated the reason the Park is so nice, tournaments are organized, the playground equipment is clean and functioning, and many special events are scheduled is because Park Manager Marco Knorr does a fantastic job. Mr. Knorr stated he also has a great staff.

Chair Chandler indicated he frequently hears positive comments about the Park.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated July 14, 2021.

Supervisor Wolfe-Garrison asked if the Court Services caseload increased with the pandemic. Mrs. Freeman said pre-trial increased, but there was not much increase in the probation area.

Administrator King noted the jail population is also increasing.

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COMMITTEE REPORTS.

The Board heard the following committee reports from Board members and staff.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chairman Chandler reported the next CCJB meeting is scheduled on Monday, September 13, 2021. He hopes to distribute CCJB By-Laws to be discussed at the meeting.

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (HRRSA)

Mr. Rhodes indicated the Harrisonburg-Rockingham Regional Sewer Authority Executive Director Gregory A. Thomasson, P.E. assumed his new position on July 6, 2021.

MASSANUTTEN REGIONAL LIBRARY (MRL)

Supervisor Wolfe-Garrison advised that the Summer Reading Program is off to a great start.

Supervisor Wolfe-Garrison said a new librarian has not been hired yet for the main library. Due to a suggestion of a member of the Sewer Authority who also serves on the MRL Board of Trustees, MRL Trustees are following the example of the Sewer Authority and contracting with a recruiting firm to help fill the Director's position. The MRL Board of Trustees is looking forward to having a similarly positive outcome by using a recruiting firm.

PUBLIC WORKS

Administrator King indicated he would like to provide Board members an opportunity to tour the Public Works facilities, if they have not had the chance to visit them before.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reminded staff of the August 19, 2021, VACo County Officials' Summit in Richmond and encouraged the Board's involvement.

Supervisor Kyger attended the Annual National Association of Counties (NACo) Conference. He said one of the main discussions was about various infrastructure plans before Congress.

Supervisor Kyger noted there is a very large plan by the progressive wing of the Democratic party, a small counter plan has been presented by the more conservative wing of the Republican party, and the bi-partisan plan is supported by Republican and Democratic leaders in the House and Senate, that moderate the other plans and come back to infrastructure. He noted most counties widely support the bipartisan infrastructure plan because it will provide money for local projects and eliminate federal agency reviews, as well as the red tape and hoops local government has had to jump through. He stated the Senate and House both have bi-partisan plans.

There was discussion about the County providing a letter of support of the bi-partisan bill.

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CLOSED MEETING.

On motion by Supervisor Wolfe-Garrison, 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 recessed the meeting from 5:05 p.m. to 5:18 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.

MOTION: SUPERVISOR WOLFE-GARRISON RESOLUTION NO: 21-11
SECOND: SUPERVISOR BREEDEN MEETING DATE: July 14, 2021

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Board of Supervisors.

VOTE:
AYES: BREEDEN, CHANDLER, KYGER, RITCHIE, WOLFE-GARRISON
NAYS: NONE
ABSENT:

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RECESS.

Chairman Chandler recessed the meeting for dinner at 5:18 p.m.

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SUP21-068, RIVERS EDGE CAMPGROUND, LLC, REMOVAL FROM THE TABLE.

At 6:00 p.m., Chairman Chandler reconvened the meeting.

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 removed SUP21-068, Rivers Edge Campground, LLC, from the table.

Supervisor Ritchie indicated the Rivers Edge Campground, LLC, special use permit was tabled due to public safety concerns with the traffic on Brocks Gap Road (Route 259) and the ingress and egress on Brocks Gap Road. Supervisor Ritchie asked VDOT to look at the original proposed location of the entrance to determine if there would be improved sight distance by moving the entrance 180 to 200 feet west of the originally proposed entrance.

Supervisor Ritchie said VDOT responded that the originally proposed entrance met sight distance requirements. However, VDOT’s preferred entrance was from Bergton Road (Route 820). Since most people are more comfortable with the entrance coming from Bergton

Road instead of Brocks Gap Road, Supervisor Ritchie motioned for approval. Seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 1, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – NAY; the Board, subject to the following conditions (including additional conditions provided by the applicants), approved SUP21-068, Rivers Edge Campground, LLC, 5725 Branch Point Road, Dayton, for a recreational campground located on the west side of Brocks Gap Road (Route 259) and on the south side of Bergton Road (Route 820) in Election District 1. Zoned A2-General Agricultural. Tax Map #10-(A)-L72C & 17-(A)-L4A.

CONDITIONS:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.
3. A total of five 4’ tall Thuja Green Giant Arborvitae (*T. plicata x T. standishii*) will be planted between the existing wooded areas at the southwest corner of parcel 10-(A)-L72C1 to provide continuous screening.
4. Signs stating “No admittance, authorized personnel only” shall be posted on the east side of Capon Run north of the entrance to the property line along Bergton Road.
5. Quiet hours will be observed from 10 pm until 7 am.
6. Off-road vehicles such as ATV’s, four-wheelers, and dirt bikes are prohibited. Electric-golf carts may be used on the property.
7. The entrance to the campground shall be from Bergton Road (Route 820) at a site approved by the Virginia Department of Transportation.

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JOINT PUBLIC HEARING OF THE ROCKINGHAM COUNTY BOARD OF SUPERVISORS AND PLANNING COMMISSION.

At 6:03 p.m., Chair Chandler opened the Joint Public Hearing of the Rockingham County Board of Supervisors and Planning Commission, and Ms. Cooper reviewed the Staff-Proposed Ordinance: Ground-Mounted Large Solar Energy Facility, as well as the Staff Recommended Large Solar Energy Facility Policy.

(A copy of the Staff-Proposed Ordinance: Ground-Mounted Large Solar Energy Facility and Staff Recommended Large Solar Energy Facility Policy are attached to and made a part of these minutes.)

Chair Chandler explained that each speaker would be provided three minutes to speak, and County Administrator King would keep track of the time.

Chair Chandler asked for a show of hands from those citizens attending the meeting for a special use permit.

Based on the number of hands raised, it was clear that the majority of those in attendance were interested in the Solar Energy Ordinances.

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RECESS JOINT PUBLIC HEARING OF THE ROCKINGHAM COUNTY BOARD OF SUPERVISORS AND PLANNING COMMISSION.

At 6:19 p.m., Planning Commission Chair Kevin Flint recessed the Planning Commission meeting.

At 6:20 p.m., Chair Chandler recessed the Joint Public Hearing to allow the Board of Supervisors to conduct a public hearing for three special use permits advertised to be heard at 6:30 p.m. or after.

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PUBLIC HEARINGS – SPECIAL USE PERMITS.

At 6:22 p.m., Chair Chandler opened the public hearing. Zoning Administrator Getz stated that the applicants for the three special use permits were informed that the public hearings would not begin until 6:30 or after.

Administrator King indicated Mr. Getz could review the special use permit requests, but delay voting until 6:30 p.m. or after so any additional applicants or members of the public could speak regarding the special use permits.

Mr. Getz reviewed the following special use permit requests:

SUP21-133 Payne's Towing & Recovery Service Center, 248 Industrial Drive, Ruckersville, VA 22968, for a motor vehicle repair shop with an impound lot located on the north side of Spotswood Trail (Route 33), approximately 420 ft. west of Mt. Hermon Road (Route 979) in Election District #5, zoned A2-General Agricultural. Tax Map #130-(A)- L13B.

The applicant was not present.

SUP21-142 Ashley N. Baugher (CMH Homes), 211 Second Street, Shenandoah VA, to place a manufactured home on RR-1 (Recreational Residential) zoned property located on the north side of Runkles Gap Road (Route 636) approximately 1.3 miles west of East Point Road (Route 602) in Election District #5. Tax Parcel #113-(2)-L1.

The applicant was present.

SUP21-148 Linden D. Rohrer, 8244 Union Springs Road, Dayton, VA, for a machinery and equipment center located on the south side of Union Springs Road (Route 743) approximately 0.5 mile west of Clover Hill Road (Route 613), zoned A1- Prime Agriculture, in Election District #4. Tax Parcel #90-(A)- L84C.

The applicant was present.

At 6:27 p.m., Chair Chandler opened the floor for comments.

SUP21-133, Payne's Towing & Recovery Service Center, Election District 5

No one from the public spoke concerning the request.

SUP21-142, Ashley N. Baugher (CMH Homes), Election District 5

Teresa Kite from Clayton Mobile Homes indicated a manufactured home is allowed in the RR-1 district by special use permit. She explained that the property was gifted to the couple by family, with the intent that they would build a permanent residence on the property.

Ms. Kite noted that, with the current cost of lumber, it would be cost prohibitive for the Baughers to purchase a stick-built home. If the family is pushed into purchasing or building a stick-built home, they will have more issues as the interest rates and lumber prices rise. Ms. Kite stated a modular home is approximately \$30,000 more than a double-wide home.

Ms. Kite asked that the Board approve the special use permit so the Baughers can move into their home, which will be on a 9.75-acre parcel of land and will not be visible from the road.

No one spoke in opposition to the request.

SUP21-148, Linden D. Rohrer, Election District 4

No one from the public spoke regarding the request.

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At 6:31 p.m., Chair Chandler closed the public hearing.

SUP21-133, Payne’s Towing & Recovery Service Center, Election District 5

Supervisor Breeden noted there will be little change from the current use.

On motion by Supervisor Breeden, 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 conditions, approved SUP21-133, Payne's Towing & Recovery Service Center, 248 Industrial Drive, Ruckersville, VA 22968, for a motor vehicle repair shop with an impound lot located on the north side of Spotswood Trail (Route 33), approximately 420 ft. west of Mt. Hermon Road (Route 979) in Election District #5, zoned A2-General Agricultural. Tax Map #130-(A)- L13B.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.

SUP21-142, Ashley N. Baugher (CMH Homes), Election District 5

On motion by Supervisor Breeden, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP21-142, Ashley N. Baugher (CMH Homes), 211 Second Street, Shenandoah VA, to place a manufactured home on RR-1 (Recreational Residential) zoned property located on the north side of Runkles Gap Road (Route 636) approximately 1.3 miles west of East Point Road (Route 602) in Election District #5. Tax Parcel #113-(2)-L1.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.

SUP21-148, Linden D. Rohrer, Election District 4

Supervisor Kyger said he visited the site and found the request is an appropriate use in an agricultural area. It will support agricultural equipment and machinery necessary to plant and remove crops from the ground.

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, subject to the

following conditions, approved SUP21-148, Linden D. Rohrer, 8244 Union Springs Road, Dayton, VA, for a machinery and equipment center located on the south side of Union Springs Road (Route 743) approximately 0.5 mile west of Clover Hill Road (Route 613), zoned A1-Prime Agriculture, in Election District #4. Tax Parcel #90-(A)- L84C.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.

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RECESS.

At 6:33 p.m., Chair Chandler recessed the meeting so those in attendance for the special use permit public hearings could leave.

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RECONVENE JOINT PUBLIC HEARING OF THE BOARD OF SUPERVISORS AND PLANNING COMMISSION.

At 6:33 p.m., Planning Commission Chair Kevin Flint resumed the Joint Public Hearing regarding the proposed solar ordinances.

At 6:34 p.m., Chair Chandler resumed the Joint Public Hearing regarding the proposed solar ordinances.

Joy Loving, a county resident since 1994, has owned a ground-mounted solar system since 2012. Ms. Loving commended staff for their work on the solar ordinances but expressed concern about the County setting the caps up front, in the early stages of what is occurring with the clean energy goals in Virginia. She did not want the County to limit itself because the Board has the authority to approve and disapprove special use permits. Ms. Loving hopes there will be community solar because she currently provides electricity on site and to the grid. She has the ability to provide solar power to her neighbors. Ms. Loving closed by stating she hopes the solar study will highlight the urgent need for a climate action plan.

Nathan H. Miller commended the County on the Staff-Recommended Large Solar Energy Facility Policy. He said his focus is on an Aggregate Acreage Cap and a Per-Site Acreage Cap. Mr. Miller believes caps need to be flexible, because they can result in unintended consequences and not protection the environment or viewsheds. Mr. Miller noted not approving larger projects could negatively affect economic opportunity. Mr. Miller urged the Board to discontinue the use of special use permits to control future solar facility projects.

Sally Newkirk said she attended the Solar Study Committee (SSC) meetings and was very impressed with the committee members and staff. She said the SSC wants to encourage rooftop solar and solar on the built environment. Ms. Newkirk stated her solar facility produces enough power to feed the grid, and she asked how the County is going to encourage this because the Virginia Clean Economy Act does not provide many incentives to owners. Ms. Newkirk recommended entering into a power purchasing contract, using parking lots and schools for solar panels to generate power for the schools, save money for the taxpayers and educate students about renewable energies.

Les Grady indicated he prepared a climate and energy newsletter for over six years. During that time, he learned that universities in the United States and Europe are exploring ways to combine solar energy and agriculture. Schools are looking into grazing cattle on land with solar panels and growing and harvesting hay under the panels. He explained that single land-mounted panels, with space under the panels, allow cattle to graze without damaging the panels. He also noted that equipment over 15 feet can be used under the panels. Mr. Grady recommended removing height restrictions to alleviate limiting options in the future, without requiring a special use permit to make changes.

Joni Lam said she and her husband farm and are responsible solar advocates. She recommended including more specific language, such as requiring the vegetated buffer to provide 80 percent capacity and for any property potentially eligible for listing as an historic resource, as determined by staff from the Virginia Department of Historic Resources, be included. Mrs. Lam said she appreciates the decommissioning including land reclamation. She stated the ordinance is needed and she appreciates its development. Being a farmer, she is in favor of caps on agricultural land, but she is not necessarily in favor of caps on other land.

Greg Yost stated he is actively involved in the solar industry and represents four large utility-scale solar companies, is a solar advocate, and works with schools on solar power. He takes pride in being a good neighbor and utilizing solar power but noted there are appropriate and inappropriate locations for solar farms. Mr. Yost encouraged citizens to look into the concept of agri-voltaics, as a previous gentleman mentioned. Mr. Yost is grateful for the Solar Committee and the work they have done.

Julie VanPelt Lohr questioned who funds solar and who benefits from it. She supports solar in areas where there are structures such as schools, parking lots and homes. Ms. Lohr also supports caps on agricultural land, but she does not see how large solar installations are a good use over crops or grazing animals. She asked the Board to consider what the best compromise is for the future of our grandchildren.

Kate Wolford from Alliance for the Shenandoah Valley, a local non-profit organization that works on conservation issues in six counties in Virginia, said she and her co-worker, Kim Sandum, who served on the Solar Study Committee, appreciate the opportunity to provide input from citizens on the solar committee. She conveyed their support for the committee's recommendations, including the cumulative and per site acreage caps on agriculturally zoned land. She also appreciates that the Solar Study Committee intends to ensure solar energy fits with continued productive agriculture in the County and encourages it on commercial and industrial land.

Bob Boisture said he and his wife own a farm south of Endless Caverns. He attended the Board meeting in October, when the Board was considering the Craney Island project. It was suggested that the County was not prepared to make decisions on projects of that nature. He said he appreciates the County developing the current ordinance, noting this is government working the way it should.

Mr. Boisture believes climate change is a threat and said as the public deals with climate change challenges, it needs to protect agriculture and agricultural land. He believes people who live in this area love the beautiful Shenandoah Valley, but said industrial solar facilities make an industrial footprint on the land. Mr. Boisture strongly affirms large scale solar, industrial, and commercial districts as a by-right use.

Mr. Boisture suggested adopting caps in the lower end of the range, because the County can increase the caps as it desires in the future. In addition to protecting the agricultural land, he would also appreciate protecting the scenery in the Valley.

Holly Flory said she is in favor of a lower cap which can be increased, if necessary. She said farmers have the right to use their land as they wish, but they also need to provide food for people. Ms. Flory indicated there are other ways to decrease the effect on air than solar and wind, without ruining agriculture. She indicated farmers can raise crops that will lower emissions. She stated no one can guarantee what the land will look like if the solar panels are removed and reiterated solar is not the only answer.

Watt Bradshaw stated that he has utilized solar power for 43 years. He indicated that placing a preliminary aggregate cap on the size of a solar installation or an aggregate amount of land use does not make sense to him; instead, the Board should require special use permits for solar facilities, which will allow the Board to approve a favorable special use permit request, and if a special use permit request is not a good fit, it can be denied.

Mr. Bradshaw indicated solar panels are not permanent. He said they can be removed from the ground to plant corn. However, when someone builds a home, poultry house or business, that land is gone forever. Mr. Bradshaw believes one of the Board's greatest

responsibilities is to enable farmers to remain on their land, as they are the best stewards of that land. Turning solar energy into money for a farmer is one way to keep them on their land, he said.

Mr. Bradshaw said large solar energy facilities can be approved, denied, or tabled, but he asked that the Board not eliminate them because solar facilities will provide profitable renewable energy jobs in the solar industry. Mr. Bradshaw expressed appreciation to Board members for their work on behalf of the citizens.

Dwayne Lam stated he is not opposed to solar; he and his wife Jodi have solar panels on their rooftop. He noted there are a lot of rooftops in the County and said individuals can benefit from solar. If solar panels are placed on agricultural land, he thinks there should be a cap because agriculture is important. Mr. Lam stated he is against large scale solar facilities.

Nora Conley said she and her husband own a 250-acre farm on Craney Island Road. Their property extends to the Dominion Energy power substation, so they are familiar with the substation. They do not want the County to limit the acreage for solar facilities. They know how precious farmland is, but they also know that, every year, the government pays people \$13 million or more not to farm.

Mrs. Conley said they have neighbors who want to put solar on their roofs, but the neighbors do not want the Conleys to place ground solar on their property. She indicated their property is zoned A-1, but their farm is not A-1 quality. She and her husband would like to use 120 acres of their land for a solar facility. She said the power substation is their neighbor and she knows Virginia is supposed to have 100 percent clean energy by 2050. Mrs. Conley researched how Dominion is going to meet the requirement and found they will no longer use fossil fuel or gas. The Clean Energy Act will drive utility facilities to gigawatts of solar, offshore wind, and energy storage, as well as nuclear power plants. She asked that the County not limit the solar, because they believe solar facilities will greatly benefit the community.

David Conley asked, if the proposals for solar go in a cornfield, pasture, or hayfield, and what would be the difference between placing the solar facility in one place or six places. It has to go on open ground, wherever that is, he said. Mr. Conley said his property is a perfect place for a solar farm.

Paul Murphy thanked the Board and staff for the hard work they put into the proposed regulations for solar. He said his agricultural land is very rich in history and rich in beauty, and he would hate to see an industrial facility on any agricultural land in Rockingham County.

Garfield Freeze, Jr. owns a 518-acre farm in the County that his father bought in the 1960s. He and Mr. Conley both buy and sell cattle. He said the market is getting tougher in the livestock business because it is being consolidated by big integrators that have a monopoly on “how they sell cattle and make a profit on your land.”

Mr. Freeze thinks farmers should be able to use their land for solar to help their families. He said he has been investigating solar and learned sheep are the best livestock to place on solar farms. He is in favor of having solar facilities on farms to help keep and maintain the farms.

In addition to speaking, several individuals provided written comments, which are included in the “Attachments –Board of Supervisors Minutes” notebook maintained in Administration.)

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CLOSE THE JOINT PUBLIC HEARING AND RECESS THE PLANNING COMMISSION MEETING.

At 7:24 p.m., Planning Commission Chair Flint said the public hearing for the Staff-Proposed Ordinance: Ground-Mounted Large Solar Energy Facility was concluded from the Planning Commission’s perspective. Commissioner Flint recessed the Planning Commission Meeting to the Community Room in Community Development.

VOTE:
AYES: BREEDEN, CHANDLER, KYGER, RITCHIE, WOLFE-GARRISON
NAYS: NONE
ABSENT:

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ADJOURN.

Chair Chandler declared the meeting adjourned at 8:13 p.m.

_____,
Chair