

July 28, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 28, 2021, at 6:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

The following members were present:

- DEWEY L. RITCHIE, Election District #1
- SALLIE WOLFE-GARRISON, Election District #2
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

- BRYAN F. HUTCHESON, Sheriff
- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- BRADFORD R. R. DYJAK, Director of Planning
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Zoning Administrator
- 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 6:00 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 Breeden, 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 July 14, 2021.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department, including updates to recent bridge, road, and rural rustic projects.

Mr. Komara reported work will begin on the Brocks Gap Road (Route 259) bridge this fall. He also stated South Valley Pike (Route 11) will be four-laned near the Shenandoah Heritage Market and will taper back to two lanes south of the market.

Mr. Komara noted that VDOT indicated a median is needed on South Main Street (Route 11) at McDonalds, due to the number of accidents at that location.

Mr. Komara indicated a public hearing will be scheduled this fall to discuss the section of Interstate 81 just south of Exit 251 (Route 11 North) to Exit 247 at the Route 33 interchange. He also noted milling and paving work will occur on Interstate 81 between these exits.

Mr. Komara announced VDOT will conduct a Citizen Information Meeting (CIM) at VDOT's district office on August 24, 2021, to discuss widening Interstate 81 from four lanes to six lanes. Mr. Komara stated all work should be accomplished between 2022 and 2024.

Maintenance items included mowing, brush cutting, boom ax tractor work, and heavy mechanized scratching and patching, shoulder work, removing dead trees, and trees damaged by a recent windstorm.

Mr. Komara informed Supervisor Wolfe-Garrison that VDOT took care of Muddy Creek Road (Route 752) by dragging asphalt where hydraulic fluid leaked from a vehicle last year. Mr. Komara reported asphalt was also placed on Gravels Road.

Supervisor Breeden requested an update on paving Cemetery Road (Route 843). Mr. Komara informed Supervisor Breeden that he talked with residents who were not in favor of paving their road, but he believes they will come to an agreement.

Supervisor Wolfe-Garrison said she has received calls about vehicles speeding on Gravels Road (Route 765). She called some businesses with large trucks that frequently travel on Gravels Road, but she is not sure that made a difference. Supervisor Wolfe-Garrison requested that VDOT determine if traffic is traveling at the proper speed limit on Gravels Road.

Supervisor Wolfe-Garrison requested that VDOT sweep the bicycle and buggy lanes, as they have been more heavily traveled recently.

Supervisor Wolfe-Garrison asked who is responsible when trash or glass falls from a trash truck traveling on the road. Mr. Komara responded that it would be great if the company collecting the trash gathered it up, but that task usually falls on VDOT. Mr. Komara indicated Sheriff's Deputies and State Police help clean up debris following accidents.

Supervisor Ritchie advised Mr. Komara that excessive brush is obstructing sight distance at the intersection of Phillips Store Road (Route 619) and Mayland Road (Route 259).

Supervisor Kyger indicated the intersection of Stone Port Boulevard and Stone Spring Road (Route 280) will become considerably busier as more businesses move to that area. He suggested VDOT consider a future traffic signal at that intersection.

Supervisor Kyger noted the Town of Bridgewater is widening Dinkel Avenue (Route 257). He noted there are numerous businesses entrances along Dinkel Avenue that are within 500 yards of each other and asked if the speed limit should be reduced from North Valley Pike (Route 11) to the Bridgewater Town limits while the work is being performed.

Supervisor Kyger said if VDOT mows at the Union Springs Dam or Clover Hill area, he wanted them to know there is tall grass that needs to be cut.

Supervisor Kyger indicated spotted lanternflies have been seen in Albemarle County, which borders part of Rockingham County. He requested that VDOT cut down all the Ailanthus altissima trees, also known as the tree of heaven, they see.

COUNTY ADMINISTRATOR’S STAFF REPORT.

Administrator King stated he had emailed the Board regarding the proposed addition to the front of the County Administration Center which was slated for use by the Registrar. Staff has since determined it would be better for the Registrar to conduct early voting in the Board Room if needed and also have use of a vacant office in the back hallway of the Administration Center, which was previously used by Children’s Services Act (CSA) staff, for storage and voting equipment calibration when needed.

Administrator King reported that the Harrisonburg-Rockingham Emergency Communications Center (HRECC) Board is allowing Page County to use one of the HRECC towers in an area where Page County needs better radio coverage. Mr. King said the HRECC will not incur any additional costs, and a small amount of the current costs will be paid by Page County. Page County will pay based on their usage (the number of handhelds and radios that have access to that radio system).

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated July 28, 2021. In response to a question Supervisor Wolfe-Garrison asked prior to the meeting, Mrs. Davidson said she believes the Cadillac automobile was from asset forfeiture.

On behalf of the Finance Committee, on motion by Supervisor Kyger, 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 declared the following items surplus, to be disposed of through the public surplus auction:

Items to Declare Surplus – July 2021

Description	Quantity
2002 Chevrolet Cavalier	1
2000 Dodge Stratus	2
2004 Dodge Stratus	1
2001 GMC Safari Van	1
2004 Ford Explorer	1
2006 Chevrolet Trailblazer	1
1998 Ford Taurus	1
2006 Ford Explorer	1
2006 Cadillac STS	1

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FINANCE COMMITTEE REPORT.

On behalf of the Finance Committee, on motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following supplemental appropriation:

FY2021-2022 Supplemental Appropriation

Harrisonburg Rockingham Social Services COVID Funds

The Harrisonburg Rockingham Social Services District received additional funding for COVID relief. Funds are provided by the State with no local match required.

\$ 86,479	GL Code: 1220-00000-13303-000-338985-000	Federal Revenue: COVID Assistance
\$ 48,840	GL Code: 1220-05302-10100-000-505784-000	Chafee IL COVID
\$ 4,000	GL Code: 1220-05302-10100-000-505785-000	Chafee ETV COVID
\$ 2,000	GL Code: 1220-05302-10200-000-505785-000	Chafee ETV COVID
\$ 12,411	GL Code: 1220-05302-10100-000-505796-000	APS COVID
\$ 2,692	GL Code: 1220-05302-10200-000-505796-000	APS COVID
\$ 16,536	GL Code: 1220-05302-10200-000-505784-000	Chafee IL COVID

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report dated July 28, 2021.

Ms. Cooper announced that Mr. Dyjak and Senior Planner Patrick Wilcox resigned from their positions, and their last day of employment with the County is August 6, 2021.

Supervisor Ritchie confirmed with Ms. Cooper that 2,323 inspections in June (over 100 a day) were performed. Administrator King said 2,323 inspections were performed by the County; additional inspections were done by third parties for Merck and other businesses for example.

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COMMITTEE REPORTS.

The Board heard the following committee reports from Supervisors.

MASSANUTTEN REGIONAL LIBRARY (MRL)

Supervisor Wolfe-Garrison indicated the Library Board hired a recruiting firm to assist them with hiring a Library Director.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reminded Board members and staff of the upcoming VACo County Officials’ Summit in Richmond on August 19, 2021.

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COMMITTEE APPOINTMENTS.

On motion by Supervisor Wolfe-Garrison, 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 recommended Keith Hurst (District 2) for appointment by the Circuit Court to the Board of Zoning Appeals for a term to expire June 30, 2026.

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 appointed Rhonda Cooper to the Central Shenandoah Planning District Commission, for a term to expire on June 30, 2024.

On behalf of Chair Chandler, on motion by Supervisor Wolfe-Garrison, 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 appointed Carrie Budd (District 3) to the Community Services Board for a term to expire June 30, 2024.

On motion by Supervisor Kyger, 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 appointed Dennis Driver (District 4) to the Social Services Advisory Board for a term to expire June 30, 2025.

Ms. Cooper brought attention to the four Rockingham Bicycle Advisory Committee (RBAC) reappointments listed in her staff report. She noted that all four members are eligible for reappointment.

On motion by Supervisor Kyger, 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 appointed Peter Dula, Corrie Green, Jonathan Lantz-Trissel and Todd Schlabach to the Rockingham Bicycle Advisory Committee for terms that will expire December 31, 2023.

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CLOSED MEETING.

On motion by Supervisor Kyger, 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 recessed the meeting from 6:45 p.m. to 7:03 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; and (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

MOTION: SUPERVISOR KYGER
SECOND: SUPERVISOR BREEDEN

RESOLUTION NO: 21-13
MEETING DATE: July 28, 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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PUBLIC HEARING – REZONING.

At 7:04 p.m., Chair Chandler opened the public hearing and Mr. Dyjak reviewed the following rezoning request:

REZ21-134 Travis R. Lam, c/o Tyler S. Austin, PE (Racey Engineering, PLLC). Request to rezone a 2.744-acre portion of a 4.681-acre parcel from R-2 (Medium Density Residential) to A-2 (General Agricultural).

The applicant was not in attendance, but Tyler S. Austin, PE from Racey Engineering, PLLC was present to represent the applicant.

Mr. Dyjak indicated the rezoning and special use permit were both being addressed during this meeting so the applicant could move forward with the project.

Staff recommended approval of the rezoning request on July 1, 2021, and the Planning Commission unanimously recommended approval on July 6, 2021, citing that the parcel is located within an Urban Growth Area, and is intended to be used as a small contractor's operation.

In response to a question from Supervisor Ritchie, Mr. Austin indicated the building, for the small contractor's operation was constructed in 2017.

In response to additional questions from Supervisor Ritchie, Mr. Getz stated that a construction business was not allowed in an R-2 district in 2017, and this structure was not permitted as a construction business. After the structure was built, Mr. Getz became aware of the type of business being operated in the building, and he sent Mr. Lam a notice of violation.

Supervisor Breeden indicated a family-run business has been on that land since the 1940s.

Supervisor Kyger asked if the business pre-existed the County zoning, to which Ms. Cooper responded that zoning came to Rockingham County in 1969, and land was probably not zoned R-2 until the 1980s. Chair Chandler stated that the business was on that property before the County had a zoning ordinance.

On behalf of the applicant, Mr. Austin said the older, small contractor's operation that Mr. Lam's grandfather ran about 40 years was rebuilt in 2017. He indicated the Lam family was not aware of the zoning violation. At one time, all the construction crews worked out of the small contractor's business and the business office was located in that building.

Mr. Austin said the business has grown and moved out of the County. He stated the office staff was moved to a remote location and the employees have not reported to the original location in years. Mr. Austin said the current structure is only used for routine maintenance, such as oil changes, with maintenance on larger equipment performed in the field or a manufacturer's office.

Mr. Austin indicated since Mr. Lam is aware of the zoning violation now, he wants to bring the structure into compliance in case the office staff (four or six people) would need to work at that location in the future.

In response to a question from Supervisor Ritchie, Mr. Austin said Lam Construction is a small size contractor that performs grading and utility work. He said at the time the building was erected, Mr. Lam worked in residential construction. Supervisor Ritchie asked if the applicant should have been aware of the zoning rules, and Mr. Austin indicated 2017 was before he was in business, so he could not respond.

No one from the public spoke regarding the rezoning request.

At 7:14 p.m., Chair Chandler closed the rezoning public hearing.

On motion by Supervisor Breeden, 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 – NAY; WOLFE-GARRISON – AYE, the Board approved REZ21-134 for Travis Lam, c/o Tyler S. Austin, PE (Racey Engineering, PLLC) to rezone a

2.744-acre portion of a 4.681-acre parcel from R-2 (Medium Density Residential) to A-2 (General Agricultural).

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PUBLIC HEARING –SPECIAL USE PERMIT.

At 7:14 p.m., Chair Chandler opened the public hearing.

SUP21-101 Travis R. Lam, c/o Tyler S. Austin, PE (Racey Engineering, PLLC). Request to obtain a special use permit for a small contractor's operation located at 495 Willow Rose Drive, McGaheysville, TM # 128-(A)- L62; Election District 5. The special use permit request is contingent upon rezoning the specified portion of the parcel to A-2.

Mr. Getz provided a more detailed map than the one included in the Board packets. He pointed out the section that was proposed to be rezoned. He said if approved, the special use permit would only apply to that portion of the property since it has now been rezoned to A-2.

No one from the public spoke regarding the special use permit request.

At 7:16 p.m., Chair Chandler closed the special use permit public hearing.

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 SUP21-101 for a small contractor’s operation located at 495 Willow Rose Drive, McGaheysville TM # 128-(A)- L62; Election District 5.

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.

Supervisor Ritchie explained that after the rezoning was approved by the Board, he voted in favor of the special use permit because the Board had rezoned the property, but stated he was not in favor of the rezoning.

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PUBLIC HEARING – ORDINANCE AMENDMENT.

At 7:17 p.m., Chair Chandler opened the public hearing and Mr. Getz reviewed the following proposed ordinance amendment:

OA21-127 Amending Section 17-201 “Definitions” to change the size in the definition of “Utility Building” from less than 200 square feet to 580 square feet or less and amending Table 17-606 to add utility buildings exceeding 580 square feet as a special use permit

Mr. Getz indicated the proposed size is the same as the size used to determine main building setbacks for all property.

On June 6, 2021, the Planning Commission recommended approval by a vote of 5-0.

No one from the public spoke.

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

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

**ORDINANCE AMENDING SECTION 17-201, DEFINITIONS, AND TABLE 17-606,
LAND USE AND ZONING TABLE OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

Section One.

That Section 17-201, Definitions generally, be and hereby is amended as follows:

Delete the following term and definition for Utility building:

Utility building. A building of less than two hundred (200) square feet for the storage of tools and other maintenance equipment and located on a lot that has no primary structure.

Add the following terms and definitions for Utility building, small, and Utility building, large:

Utility building, small. A single-story building of five hundred eighty (580) square feet or less for use as a non-commercial, non-residential, accessory structure located on a lot that has no primary structure.

Utility building, large. A building of more than five hundred eighty (580) square feet for use as a non-commercial, non-residential, accessory structure located on a lot that has no primary structure.

All other parts of Section 17-201 are re-affirmed.

Section Two.

That Table 17-606, Land Use and Zoning Table be amended as follows:

	Table 17-606. Land Use and Zoning Table																				
	A-1	A-2	RV	RR1	R-1	R-2	R-3	PSF	PG	R-4	R-5	MH1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	PCD	S-1
Utility building, small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility building, large	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU

All other parts of Table 17-606 are re-affirmed.

This ordinance shall be effective from the 28th day of July 2021.

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CONSIDERATION OF A BOUNDARY LINE ADJUSTMENT WITH THE CITY OF HARRISONBURG.

At 7:19 p.m., Chair Chandler opened the public hearing to receive public comment on the Board's consideration of a boundary line adjustment with the City of Harrisonburg.

County Attorney Miller stated a boundary line adjustment was requested by the owner of Mulligan's Golf Center, which is located off South Valley Pike (Route 11). He explained that part of the real estate for this business is located in the City and part of it is located in the County. The owner of Mulligan's Golf Center wants to tear down a building on their property, but the City will not allow the business to tear down the building based on the City's Zoning Ordinance.

The business owner decided the best option was to work with the two jurisdictions, by having all the land on which Mulligan's Golf Center is located moved into the County and having all the land used for park and recreation purposes transferred to the City.

Administrator King announced that during the Harrisonburg City Council public hearing on July 27, 2021, at 7:00 p.m. in the City Council Chambers, the Harrisonburg City Council agreed to transfer City tax parcels 107-C-7 and 107-C-7A to the County.

Supervisor Kyger explained that the building the owner would like to tear down is on a parcel of land currently located in the City, and the majority of the golf course is currently in the County. He stated there are a number of properties in the County and City with similar issues due to the 1983 annexation. Supervisor Kyger noted the issue in the Mulligan's Golf Center case can be resolved for the citizen. However, if other similar issues come before the Board, they will need to be examined on a case-by-case basis.

Supervisor Kyger indicated the owner of Mulligan's Golf Center approached the County over two years ago. During the three-court panel annexation in 1983, the boundary between the City and County was made along the streams and roads, without consideration of the current property lines.

The property where Mulligan's Golf Center is located was split in half between the County and the City. The building Mulligan's wants to tear down is on the City side of the creek, but the City code will not allow the owners to tear down a building that needs to be removed from the property. He noted that the majority of the property in discussion is in the County. In meetings with the City Council, it was determined that this solution was the best way to assist Mulligan's Golf Center.

Supervisor Kyger indicated the County and City are working together in an attempt to resolve similar issues that may surface on other properties in the future.

Mr. Miller said a separate public hearing will not be required for Smithland Road since properties in that area are already split between the City and County.

Supervisor Ritchie asked if the revenue from the Smithland Road boundary adjustment would be divided equally between the City and County. Mr. Miller stated the County will receive the real estate and sales tax revenues, as well as tax revenue from the City real estate located along Smithland Road in the County. The County will also receive the tax revenue from the Smithland Road boundary adjustment because it involves a public body. The County will not lose revenue from the Smithland Road boundary adjustment and will gain revenue from the Mulligan's Golf Center boundary adjustment.

No members from the public spoke regarding the boundary line adjustment between the City and County.

At 7:29 p.m., Chair Chandler closed the public hearing.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Resolution and Ordinance of the Board of Supervisors of Rockingham County, Virginia Approving a Boundary Line Adjustment Agreement with the City of Harrisonburg, Virginia using the described options listed with a description of the parcels listed in the Resolution; and the Board shall directed staff to complete the process by which this land transaction can take place; and continue negotiations to finish the balance of the Boundary Line Adjustment.

(A copy of the Resolution and attached documents are included in the “Resolutions” notebook for 2021)

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CLOSED MEETING.

On motion by Supervisor Kyger, 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 recessed the meeting from 7:30 p.m. to 8:17 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; (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community; and (8), Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Administrator King indicated action may be taken after the closed meeting.

MOTION: SUPERVISOR KYGER RESOLUTION NO: 21-14
SECOND: SUPERVISOR WOLFE-GARRISON MEETING DATE: July 28, 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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PHASE ONE MEMORANDUM OF UNDERSTANDING.

On motion by Supervisor Wolfe-Garrison, 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 directed Administrator King to sign the Phase One Memorandum of Understanding with All Points Broadband Partners, LLC, Shenandoah Valley Electric Commission, and Dominion Energy Virginia, to evaluate the provision of broadband to the homes countywide.

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ADJOURN.

Chair Chandler declared the meeting adjourned at 8:19 p.m.

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Chair