

August 10, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 10, 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; left meeting at 4:30 p.m.
- MICHAEL A. BREEDEN, Election District #5

Also present:

- BRYAN F. HUTCHESON, Sheriff
- L. TODD GARBER, Treasurer

- 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
- KIRBY W. DEAN, Director of Parks & Recreation
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- PHILIP S. RHODES, Director of Public Works
- MICHAEL L. BOWEN, Deputy Director of Technology
- KELLY S. GETZ, Zoning Administrator
- JESSICA G. KILBY, 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 Ritchie provided the invocation, and County Attorney Miller led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

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 approved the minutes of the regular meeting of July 27, 2022.

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INTRODUCTION.

Colonel Eric Young, Superintendent of Middle River Regional Jail introduced himself to the Board and provided an update on recent activities of the Jail.

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VIRGINIA DEPARTMENT OF FORESTRY - FIRST MOUNTAIN STATE FOREST.

Jack Kauffman, Virginia Department of Forestry, reported there are twenty-six state forests in Virginia that are self-supporting and receive no taxpayer funding. Operating funds for those forests are generated from the sale of forest products, state forest use permit revenues, and Virginia’s income tax check off system. He indicated that twenty-five percent of revenue from timber sales are paid to each County in lieu of property tax. Mr. Kauffman reported that 40-acres of First Mountain State Forest had been sold for future timber cutting. He presented a check in the amount of \$5,625, which is the County’s portion of proceeds.

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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. Board members shared concerns related to County roads and provided maintenance requests.

Mr. Komara informed the Board that he would like to work with Administrator King to determine the County’s priorities related to I-81 improvements in order to provide written endorsement to VDOT and the Commonwealth Transportation Board.

By consensus, the Board authorized Administrator King to submit written endorsement of the specific design requests which would improve the County’s portion of the I-81 widening project.

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ANNUAL REPORT – L. TODD GARBER, TREASURER.

L. Todd Garber, Treasurer, provided the Board with an update on the activities of the Treasurer’s Department, and presented a report of the County’s annual tax collections, along with a summary of uncollectible and delinquent taxes.

Mr. Garber directed the Board’s attention to the following tax collection reports:

In 2021, taxes collected were as follows:

	ASSESSED	PERCENTAGE COLLECTED
Real Estate & P.S. (1 st half)	\$ 31,618,602	%99.03
Real Estate & P.S. (2 nd half)	\$ 31,996,705	98.68%
Personal Property	\$ 27,662,706	97.60%
Public Service Personal Property	\$ 35,107	100.00%
Machinery & Tools	\$ 13,372,248	99.90%
Merchants Capital	\$ 1,248,517	99.30%
Mobile Homes	\$ 201,904	90.47%
Agriculture Equipment	\$	99.47%

Late Filing Fees	582,656	
	\$	96.62%
Recreational Vehicles	134,887	
	\$	%97.44
Vehicle License Fees	198,224	
	\$	94.04%
Aircraft	1,476,531	
	\$	100.00%
	37,397	

**TAX COLLECTION REPORT
As of June 30, 2022**

REAL ESTATE (Including Public Service)

<u>Tax Year</u>	<u>Levy</u>	<u>Collected</u>	<u>Percentage Coll.</u>
2021	\$ 63,615,307	\$ 62,884,680	98.85%
2020	\$ 62,417,298	\$ 62,044,417	99.40%
2019	\$ 61,358,994	\$ 61,125,062	99.62%
2018	\$ 60,080,369	\$ 59,940,217	99.77%
2017	\$ 57,917,832	\$ 57,816,775	99.83%
2016	\$ 54,021,558	\$ 53,945,999	99.86%
2015	\$ 50,942,504	\$ 50,891,886	99.90%
2014	\$ 47,708,894	\$ 47,672,133	99.92%
2013	\$ 46,936,670	\$ 46,907,901	99.94%
2012	\$ 46,482,372	\$ 46,458,616	99.95%
2011	\$ 43,079,159	\$ 43,060,149	99.96%
2010	\$ 42,681,849	\$ 42,667,462	99.97%
2009	\$ 40,521,624	\$ 40,511,783	99.98%
2008	\$ 39,673,316	\$ 39,664,595	99.98%
2007	\$ 37,034,243	\$ 37,026,522	99.98%
2006	\$ 35,745,399	\$ 35,739,688	99.98%
2005	\$ 29,946,179	\$ 29,942,533	99.99%
2004	\$ 28,868,123	\$ 28,865,105	99.99%
2003	\$ 28,107,841	\$ 28,105,289	99.99%

PERSONAL PROPERTY (Including Public Service)

<u>Tax Year</u>	<u>Levy</u>	<u>Collected</u>	<u>Percentage Coll.</u>
2021	\$ 43,338,758	\$ 42,626,260	98.36%
2020	\$ 40,637,620	\$ 40,391,183	99.39%
2019	\$ 38,072,360	\$ 37,920,336	99.60%
2018	\$ 36,460,443	\$ 36,351,149	99.70%
2017	\$ 34,008,424	\$ 33,904,141	99.69%

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE AND OPERATIONS.

Mrs. Davidson reported that after a review of proposals received for the security camera and monitoring system for the Harrisonburg-Rockingham Regional Jail, Sheriff’s Office, and District Courts, staff recommended awarding the project to Mid Valley Electric.

On behalf of the Finance Committee, 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 awarded Mid Valley Electric with the security camera and monitoring system project for the Harrisonburg-Rockingham Regional Jail, Sheriff’s Office, and District Courts, at a cost not to exceed one million dollars.

Mrs. Davidson noted the County and City will work together to share the cost.

On behalf of the Finance Committee, 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 FY2022-2023 Supplemental Appropriation:

Jail Camera System Replacement

A supplemental appropriation in the amount of \$1,000,000 for the replacement of the camera system at the Jail. The FY22 budget included \$200,000 for the replacement as a placeholder. The current equipment is outdated and unable to be upgraded. In order to move to a new system, the entire system will need to be re-wired with ethernet cabling which is contributing to the bulk of the cost.

Supplemental Appropriation: \$1,000,000

\$1,000,000	GL Code:1101-09401-00000-000-508335-000	Cap Project: Jail Camera System
\$ 500,000	GL Code:1101-00000-11899-000-318600-000	Cap Project: Share of Costs: H’burg
\$ 500,000	GL Code:1101-00000-15201-000-352000-000	Capital Project: Fund Balance

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 FY2021-2022 Supplemental Appropriations:

Massanutten Water & Sewer Authority

A supplemental appropriation in the amount of \$185,000 to cover the overage in the Massanutten Water & Sewer Authority Account for fiscal year 2022. Staff recommends that the Board of Supervisors appropriate funds from the capital projects fund balance to cover the overage.

Supplemental Appropriation: \$185,000

\$185,000	GL Code: 1101-09401-00000-000-508317-000	Capital Projects: Mass W/S
\$185,000	GL Code: 1101-00000-15201-000-352000-000	Capital Proj Fund: Fund Balance

Technology Drive Improvements

A supplemental appropriation in the amount of \$58,110 to cover the Technology Drive Extension. Staff recommended that the Board of Supervisors appropriate funds from the capital projects fund balance to cover the overage.

Supplemental Appropriation: \$58,110

\$58,110	GL Code: 1101-09401-00000-000-508358-000	Capital Project: Road Improvement
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\$58,110 GL Code: 1101-00000-15201-000-352000-000 Capital Project: Fund Balance

District Court Phase 3&4

A supplemental appropriation in the amount of \$110,000 to cover the overage in the District Court renovations for fiscal year 2022. Staff recommended that the Board of Supervisors appropriate funds from the capital projects fund balance to cover the overage.

Supplemental Appropriation: \$110,000

\$110,000 GL Code: 1101-09401-00000-000-508396-000 Capital Projects: District Court 3&4
 \$110,000 GL Code: 1101-00000-15201-000-352000-000 Capital Proj Fund: Fund Balance

Interest W&S Fund

A supplemental appropriation in the amount of \$26,000 is requested to cover the overage in Interest paid to the Water and Sewer fund for fiscal year 2022. Staff recommends that the Board of Supervisors appropriate funds from the capital projects fund balance to cover the overage.

Supplemental Appropriation: \$26,000

\$26,000 GL Code: 1101-09501-00000-000-509216-000 Capital Projects: Interest W&S Fund
 \$26,000 GL Code: 1101-00000-15201-000-352000-000 Capital Proj Fund: Fund Balance

On behalf of the Finance Committee, 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 FY2022-2023 Supplemental Appropriations:

Afterschool/Summer School Appropriation

The County cancelled its Afterschool/Summer School program after the start of the fiscal year. The revenue and expenditure are proposed to be reduced in accordance with the expectations of the program.

Supplemental Appropriation: (\$500,000)

1001-00000-11613-000-316700-000	Recreation Revenue	500,000.00	Decrease
1001-07104-00000-000-501100-000	Full-Time	(47,924.75)	Decrease
1001-07104-00000-000-501300-000	Part-Time	(350,000.00)	Decrease
1001-07104-00000-000-502100-000	FICA	(35,075.25)	Decrease
1001-07104-00000-000-506002-000	Food Supplies	(15,000.00)	Decrease
1001-07104-00000-000-506013-000	Education Supplies	(50,000.00)	Decrease
1001-07104-00000-000-506014-000	Other Operating Supplies	(2,000.00)	Decrease

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

Addressing Technician, Kendrick Smith, presented a Private Lane Naming and Addressing Policy for approval. He explained the Policy is the same process for naming private lanes that Community Development has used in the past and stated having the information in writing would be beneficial when property owners have questions.

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 approved the following Policy:

**PRIVATE LANE NAMING AND ADDRESSING
POLICY**

Due to the placement of additional residences on your drive, it is now considered a private lane. As a result, the lane will need to be named and the E911 addresses for current residents will need to be updated.

Rockingham County uses the following process to name private lanes:

1. A private lane that serves three (3) or more residences shall be named at the discretion of Rockingham County.
2. When there are three (3) or more residences on a lane, the property owners along the lane shall be given the opportunity to propose the name.
3. The proposed name cannot duplicate any names already in use in Rockingham County, the Towns, or the City of Harrisonburg. Proposed names that are similar to existing names may also be denied. Using an existing name with a different suffix (street, lane, etc.) is considered a duplicate and will not be accepted.
4. A majority of the residents of your lane must agree in writing or individual emails before any name can be accepted.
5. In the event there are no acceptable suggestions (or no suggestions at all) from the owners, Rockingham County will name the lane and notify the residents of their new address and private lane name.
6. Even in the case of a unanimous decision among owners, the final decision on private lane names shall be made by Rockingham County.

Ms. Cooper reviewed a request from Bluestone of Harrisonburg, LLC (JVP Development) to waive the public hearing requirement for a master plan amendment to modify design features. She noted the number of units will remain the same.

Supervisor Kyger recalled there were viewshed concerns expressed at the initial public hearing and asked how an amendment to the master plan will affect viewshed. Ms. Cooper explained this particular request is a design change that would not affect use or density.

On behalf of Chair Wolfe-Garrison, on motion by Supervisor Kyger, 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; pursuant to Virginia Code 15.25-2302.B, the Board waived the public hearing requirement for Bluestone of Harrisonburg, LLC, (JVP Development and currently referenced as Ashby Centre) to amend its master plan.

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FIRE AND RESCUE CHIEF.

Chief Holloway notified the Board of his intent to apply for a grant through the Virginia Department of Fire Programs to purchase a Flashover Simulator. He explained that a flashover simulator is a repeated live-fire observation structure used for training. Currently, trainees travel to Loudoun County to utilize its flashover simulator. The total cost is not known at this time; however, Chief Holloway estimates the required local match to be \$120,000. The Fire Programs Fund would cover the cost, he said.

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PARKS AND RECREATION DIRECTOR.

Mr. Dean expressed appreciation to Harrisonburg Church of the Nazarene and Bergton Ruritans for volunteer work completed at the Bergton Park.

There was discussion among Mr. Dean and Board members concerning the recent closure of the After School Program. Mr. Dean clarified the number one concern is and has always been the safety of participants. He said with less than half of the employees required to staff the Program, it would not have been safe to continue. He hopes the County is able to form a partnership in the future that will enable after school childcare needs to be met.

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RECESS.

Chair Wolfe-Garrison recessed the meeting for dinner at 4:34 p.m.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:00 p.m., Chair Wolfe-Garrison opened the public hearing and explained the public hearing procedure. Zoning Administrator Getz reviewed the following request:

SUP22-1527 John A. Branner, 12948 Hidden Springs Drive, Broadway, VA, for an additional dwelling located on the west side of Little Dry River Road (Route 818), approximately .64 mile north of Dull Hunt Road (Route 631). Zoned A-2 (General Agricultural). Tax Map # 35-(A)-L1. Election District 1.

The applicant was present.

No comments were received from the public.

At 6:04 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Ritchie, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1527 John A. Branner, 12948 Hidden Springs Drive, Broadway, VA, for an additional dwelling located on the west side of Little Dry River Road (Route 818), approximately .64 mile north of Dull Hunt Road (Route 631). Zoned A-2 (General Agricultural). Tax Map # 35-(A)-L1. Election District 1.

Mr. Getz reviewed the following request:

SUP22-1597 Philip Hoover, 2764 Honey Run Road, Dayton, VA, for a utility building, large, located on the west side of Honey Run Road (Route 743), approximately 60 feet north of Kerns Road (Route 731). Zoned RV (Rural Village). Tax Map # 105-(A)-L17A. Election District 4.

The applicant was present.

No comments were received from the public.

At 6:08 p.m., Chair Wolfe-Garrison closed the public hearing.

On behalf of Supervisor Kyger, on motion by Supervisor Ritchie, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1597 Philip Hoover, 2764 Honey Run Road, Dayton, VA, for a utility building, large, located on the west side of Honey Run Road (Route 743), approximately

60 feet north of Kerns Road (Route 731). Zoned RV (Rural Village). Tax Map # 105-(A)-L17A. Election District 4.

Mr. Getz reviewed the following request:

SUP22-1638 Andrew Rodgers, 1455 Trinity Church Road, Rockingham, VA, for recreation or entertainment outside a building and not otherwise listed (off-road training facility for ATVs, dirt bikes) located on the south side of Trinity Church Road (Route 724), approximately 1.40 miles east of North Valley Pike (Route 11). Zoned A-2 (General Agricultural). Tax Map # 96-(A)-L3E. Election District 3.

Applicant Andrew Rodgers reviewed the details of his request.

Neighboring homeowners Robert Ritchie and Roy Smith had questions related to future expansion, days and hours of operation, insurance coverage, the number of ATV's permitted to run at one time, and portable restroom locations and regulations.

Jimmie Ritchie spoke in opposition to the request and cited concerns of increased noise, cleanliness of the facility, increased dust and dirt in the area, decreased property values, and the safety of Trinity Church Road with added traffic.

At 6:24 p.m., Chair Wolfe-Garrison closed the public hearing.

In response to many questions asked during the public hearing, Mr. Rodgers indicated there are no future plans for expansion and clarified that there would be no riding of motorbikes outside of scheduled class times. Mr. Rodgers said his goal is to have enough interest in the training to offer one training course during the week and a second course on the weekend. He stated that insurance is carried on each student and each ATV, which he said is highly regulated through the Motorcycle Safety Foundation (MSF). He noted that no more than eight motorbikes would be running at one time.

He noted there would be plans in the future for a permanent restroom facility and reported that the portable bathroom will serve ten people for seven days, will be cleaned weekly and will include running water and a sink.

Discussion ensued. Supervisor Chandler stated that he would like to further discuss a number of the concerns expressed during the public hearing before making a recommendation.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board tabled SUP22-1638 Andrew Rodgers, 1455 Trinity Church Road, Rockingham, VA, for recreation or entertainment outside a building and not otherwise listed (off-road training facility for ATVs, dirt bikes) located on the south side of Trinity Church Road (Route 724), approximately 1.40 miles east of North Valley Pike (Route 11). Zoned A-2 (General Agricultural). Tax Map # 96-(A)-L3E. Election District 3.

Mr. Getz reviewed the following request:

SUP22-1770 Upper Room Church, 14890 Rockingham Pike, PO Box 6, Elkton, VA, for a school (private) located on the south side of Rockingham Pike (Route 981), approximately .25 mile west of Spotswood Trail (Route 33). Zoned A-1 (Prime Agricultural). Tax Map # 130-(A)-L81. Election District 5.

Chair Wolfe-Garrison opened the public hearing at 6:45 p.m.

On behalf of Upper Room Church, Pastor Barbara Hensley reviewed the request. Mrs. Hensley indicated the Church foresees enrolling 25-30 children but may be capable of serving up to 50 if the need arose in the future. She expects a total of five employees. Ms. Hensley noted the start time would be staggered with the public school system, so as not to impede on high traffic times.

Joseph Ginter spoke in favor of the request and said this is a good opportunity for his family and for the entire Elkton Community.

At 6:54 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1770 Upper Room Church, 14890 Rockingham Pike, PO Box 6, Elkton, VA, for a school (private) located on the south side of Rockingham Pike (Route 981), approximately .25 mile west of Spotswood Trail (Route 33). Zoned A-1 (Prime Agricultural). Tax Map # 130-(A)-L81. Election District 5.

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ADJOURN.

Chair Wolfe-Garrison declared the meeting adjourned at 7:02 p.m.

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Chairman