

August 26, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 26, 2020, at 6:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia. The meeting was open to the public at reduced capacity and broadcast online, to reduce the spread of COVID-19.

The following members were present:

- BRENT V. TRUMBO, 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
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Deputy Zoning Administrator
- PATRICK C. WILCOX, Senior Planner
- 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.**

Chairman Kyger called the meeting to order at 6:00 p.m.

Supervisor Wolfe-Garrison provided the invocation, and Administrator King led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of August 12, 2020.

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**TRANSPORTATION DEPARTMENT.**

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

Mr. Komara noted that twenty-four “No Parking” and “Towing Enforced” signs were added to both sides of US Route 33 West, near Blue Hole. The electronic message board will remain through the weekend, he said.

He brought attention to Governor Northam’s recent announcement about Virginia’s 19th Checkpoint Strikeforce campaign, which will occur August 26 through Labor Day weekend. Increased checkpoints will also occur around the holidays.

Maintenance items included mowing, ditching, grading gravel roads and brush cutting.

Supervisor Trumbo mentioned that the speed limit on Springbrook Road (Route 1421) was recently reduced to 25 miles per hour. He suggested removing the flashing 25-mile-per-hour speed limit sign near Broadway High School. He said the sign can be confusing because it states the speed limit is 25 when the lights are flashing, alluding that the speed limit is higher when the lights are not flashing. Mr. Komara agreed, but said he did not know whether the sign could be removed since it signifies a school zone, and speeding fines are higher in school zones.

Supervisor Trumbo asked Mr. Komara to keep a portion of Lee Street (Route 259) in Broadway on the radar for improvements. He indicated a stretch of that road feels like driving on cobblestone.

Supervisor Wolfe-Garrison asked if Mr. Komara was aware of any City project to address the area of Erickson Avenue where the number of lanes decreases to two and then increases again. Mr. Komara indicated the City has applied for Smart Scale funding on two occasions, but did not receive funding because the projects did not score well. He believes the lanes will be corrected with future projects.

Supervisor Breeden pointed out that there is a pothole on the Island Ford Road (Route 649) bridge, and said the box culvert on Captain Yancey Road (Route 642) rides rough, almost like there is settlement between box culverts. He also requested increased deputy patrols on Resort Drive (Route 644) due to speeding concerns he received from citizens.

Chairman Kyger reminded Mr. Komara of the request to bring Rawley Springs Road into the secondary road system.

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**COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Ms. Cooper’s staff report dated August 26, 2020.

Ms. Cooper reported that the Board adopted a resolution of support on June 24, 2020, for the County to submit both the Smithland Road (Route 720) widening project and the Mt. Crawford Park & Ride Expansion for VDOT SMART Scale funding program applications. She explained that, upon further consultation with VDOT staff, it was determined the Harrisonburg-Rockingham Metropolitan Planning Organization would submit the Mt. Crawford Park and Ride application on the County’s behalf to enhance competitiveness of the application for possible funding. To reflect this change of submission, she requested that the Board adopt a revised resolution endorsing the MPO’s submittal of the Park and Ride Expansion on the County’s behalf, and leave the Smithland Road widening project as is.

On behalf of Chairman Kyger, on motion by Supervisor Chandler, 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; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Resolution.

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

**WHEREAS**, the Board of Supervisors of Rockingham County has further reviewed the two Virginia Department of Transportation (VDOT) SMART SCALE Program applications endorsed by resolution on June 24, 2020; and

**WHEREAS**, the County remains committed to Project #7125 and reiterates its support of the application submitted to increase the widths of existing travel lanes and add shoulders along Route 720 (Smithland Road) from U.S. 11 (North Valley Pike) extending approximately 1,850 feet to improve safety, operations, and bicycle movement; and

**WHEREAS**, the County submitted a Pre-Application to expand the Mt. Crawford Park and Ride Lot capacity; and

**WHEREAS**, the County subsequently requested the Harrisonburg-Rockingham Metropolitan Planning Organization (H-RMPO) proceed with submittal of the Mt. Crawford Park and Ride Lot expansion on its behalf instead.

**NOW THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Rockingham County hereby supports both of these SMART SCALE Program Round 4 applications.

**BE IT FURTHER RESOLVED THAT** this resolution supersedes the resolution of support adopted June 24, 2020.

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**COUNTY ADMINISTRATOR’S STAFF REPORT.**

Administrator King reported that Public Works staff added signs at Blue Hole following its closing last week.

Administrator King indicated Delegate Tony Wilt proposed an amendment to the state budget to fund a feasibility study by the Department of Conservation and Recreation to examine the Shenandoah Rail-Trail Exploratory Partnership’s rails-to-trails project and the Norfolk Southern property. Administrator King pointed out there is no local budgetary commitment and said he sees no reason why the County would not support the study.

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**ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.**

The Board received and reviewed Mr. Armstrong’s staff report dated August 26, 2020.

Assistant County Administrator Armstrong reported that the Lake Shenandoah Stormwater Control Authority closed on a property in Taylor Springs on August 20. The property was purchased for the construction of a stormwater basin. He said Timmons Group will have sixty-five percent of the basin design available on Friday, with the full design available by September 10.

A preconstruction meeting was held concerning the new Personal Protective Equipment (PPE) storage building on the County’s property at Innovative Village. Mr. Armstrong reported that Partners Excavating will begin earthmoving work on Monday, August 31.

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## **FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Davidson's staff report dated August 26, 2020.

Mrs. Davidson provided an update concerning round two of the Small Business Grant Program. Of the 42 applications received and reviewed by the Small Business Grant Review Team, 35 businesses qualified. Pending approval by the Economic Development Authority (EDA) at its meeting on August 27, 2020, a total of \$175,000 in grants will be awarded for round two. The Team plans to propose a third round at the EDA's next meeting, in order to award the remaining \$160,000. It was noted that qualifying businesses are only eligible to receive the County's small business grant once, and all County taxes must be paid.

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Mrs. Davidson provided a brief update concerning the 2022 Real Estate Reassessment. She indicated staff have received phone calls from citizens concerning the assessors. She pointed out that anyone conducting assessments will have proper identification badges, along with a decal on their vehicle.

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Finance Director Davidson reported that staff received seven proposals from qualified firms for an appraisal of the public water and sewer system in Massanutten. Staff recommended awarding the contract to WillDan Financial Services for an amount up to \$65,000. Mrs. Davidson said the general fund will cover the cost of services until such time that the cost can be charged to the Massanutten Water and Sewer Authority.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to enter into a contract with WillDan Financial Services, to perform the appraisal of the Water and Sewer Infrastructure in the Massanutten Community, for an amount not to exceed \$65,000.

## **FINANCE COMMITTEE**

In 2018, when the County transitioned to a new radio system, it purchased radios for the towns and the Massanutten Police Department. A payment plan for each Town and Massanutten was set up to reimburse the County over a period of four years. The Massanutten Police Department is disbanding as of November 1 and will be turning over the radio equipment to the Sheriff's office. The balance owed to the County from Massanutten is \$21,879.96. Staff recommended the Board forgive the balance and relieve Massanutten of its debt to the County.

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board relieved Massanutten of its \$21,879.96 debt for radios, as the Massanutten Police Department will disband on November 1, 2020, and will no longer have possession of the radios.

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Mrs. Davidson brought attention to the local hazard pay request in the Finance Committee report and asked for permission to move forward.

On behalf of the Finance Committee, Supervisor Breeden motioned for approval, seconded by Supervisor Chandler.

Supervisor Trumbo said he was in agreement with the payment; however, he suggested staff prorate the payment amount for employees hired after March 15, 2020, to be fair to employees working since the start of the pandemic.

There was discussion about how to prorate and how many employees it would involve. Administrator King said staff could determine the number of employees hired after March 15. Mrs. Davidson noted that to qualify, an employee must have been working for the County on June 30 through September 1, 2020. She said the thought was that the pandemic is ongoing, and employees hired during that time would receive payment.

Carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized a one-time hazard payment to all uniformed personnel of \$2,500 to be funded by the Coronavirus Relief Fund (CRF); and, a one-time essential-worker payment to all other personnel of \$1,500 to be funded by the General Fund. Part-time employee payments will be paid at half of their full-time counterparts and require a certain number of hours as determined by Department Heads. To be eligible, personnel must have been employed by the County from June 30 through September 1, 2020. The one-time payment will occur on September 1, 2020.

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Concerning the Small Business Grant Program, Supervisor Wolfe-Garrison asked staff if they anticipate the qualifying criteria for round three to change, as it did during the second round. Finance Director Davidson said the Review Team did not make any recommendations to change the criteria, they are only recommending the EDA approve a third round. Mrs. Davidson said that EDA Director Hulings served on the Grant Review Team, and he will likely provide feedback to the EDA at its meeting on August 27. She said Mr. Hulings had ideas to help local restaurants in the County.

In response to a question from Supervisor Wolfe-Garrison, Mrs. Davidson said, if the EDA approves a round three, she would anticipate it to open prior to the September 9, 2020, Board of Supervisors meeting. Supervisor Wolfe-Garrison said she would like to know what the EDA approves and whether the criteria change.

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**PUBLIC WORKS DIRECTOR’S STAFF REPORT.**

Public Works Director Rhodes noted that Lantz Custom Woodworking will begin renovations to the Board Room on August 27, 2020. The largest part of the renovation will be complete by the September 9, 2020, Board meeting.

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**PUBLIC HEARING – REZONING.**

Chairman Kyger opened the public hearing at 7:07 p.m., and Director of Planning Dyjak reviewed the following rezoning request:

- REZ20-034 Holtzman Properties, LLC., P.O. Box 8, Mt. Jackson, VA 22842. Request location: Spotswood Trail, Penn Laird, west of intersection of Lawyer Road (Rt. 655) and Spotswood Trail (U.S. 33). Request to rezone 6036 and 6072 Spotswood Trail (Tax Map Parcels 126-(A)- L81 & L82B), approximately 1.1 acres, from A-2 (General Agriculture) to B-1C (General Business with Conditions) and 6080 Spotswood Trail (Tax Map Parcel 126-(A)- L82A), approximately 0.47 acre, from B-1C to B-1C with revised conditions. Election District 5.

The Planning Commission recommended approval on August 4, 2020.

Chairman Kyger brought attention to the forthcoming US 33 Arterial Management Plan and asked whether the applicant considered an alternate entrance other than US 33. Director of Planning Dyjak said the proposal includes a general concept plan. He pointed out there will still be final site plan approval required, at which time connectivity will be reviewed.

Attorney Todd Rhea was available for questions on behalf of his client, Holtzman Properties, LLC. Mr. Rhea said the existing station and tanks are old. Approval of the request will allow the applicant to upgrade the station and replace the tanks to be more environmentally friendly. Mr. Rhea indicated his clients have worked very carefully with VDOT, noting the plan resulted in one less entrance onto US 33, than currently exists. He said he is confident the plan meets safety and anticipated corridor criteria for US 33.

In response to a question from Supervisor Wolfe-Garrison, Attorney Rhea estimated the project will take 18 months, which he said is consistent with the construction pattern of other Holtzman Oil gas station sites.

No one spoke in opposition to the request.

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Chairman Kyger closed the public hearing at 7:19 p.m., and reconvened the regular meeting for consideration of the request.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following proffers, approved REZ20-034 Holtzman Properties, LLC., P.O. Box 8, Mt. Jackson, VA 22842. Location: Spotswood Trail, Penn Laird, west of intersection of Lawyer Road (Rt. 655) and Spotswood Trail (U.S. 33). To rezone 6036 and 6072 Spotswood Trail (Tax Map Parcels 126-(A)- L81 & L82B), approximately 1.1 acres, from A-2 (General Agriculture) to B-1C (General Business with Conditions) and 6080 Spotswood Trail (Tax Map Parcel 126-(A)- L82A), approximately 0.47 acre, from B-1C to B-1C with revised conditions. Election District 5.

Proffered Conditions:

1. Prior to the issuance of a certificate of occupancy associated with the redevelopment of the Property, the general access, roadway, turn lane, taper lane, sidewalk and entrance improvements shall be paid for by the Owner and shall be installed in substantial conformance with the January 2020 “Rezoning Plan” prepared by Blackwell Engineering and enclosed with the Rezoning Application.
2. Prior to the issuance of a certificate of occupancy associated with the redevelopment, the Owner shall dedicate those rights of way to VDOT as generally shown on the Rezoning Plan.

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**PUBLIC HEARING – SPECIAL USE PERMIT.**

Chairman Kyger opened the public hearing at 7:19 p.m., and Deputy Zoning Administrator Getz reviewed the following rezoning request:

- SUP20-136 Showalter's Orchard and Greenhouse, LLC, DBA Old Hill, 17768 Honeyville Road, Timberville 22853 for recreational lodging on property located on the west side of Mechanicsville Road (Route 614) just northwest of Orchard Drive (Route 881), Election District #1, zoned A-2. Tax Map #39-(A)-159 to be attached to #28-(A)-156.

The applicant was present.

In response to a question from Supervisor Trumbo, the applicant indicated all three cabins will share the same drain field.

Supervisor Wolfe-Garrison asked whether the cabins would be available for renting throughout the year or only during events. The applicant said the intent is to rent the cabins all year, as much as possible.

No one spoke in opposition to the request.

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Chairman Kyger closed the public hearing at 7:24 p.m., and reconvened the regular meeting.

On motion by Supervisor Trumbo, 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; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP20-136 Showalter's Orchard and Greenhouse, LLC, DBA Old Hill, 17768 Honeyville Road, Timberville 22853 for recreational lodging on property located on the west side of Mechanicsville Road (Route 614) just northwest of Orchard Drive (Route 881), Election District #1, zoned A-2. Tax Map #39-(A)-159 to be attached to #28-(A)-156.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Buildings shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. The Rockingham County Fire Prevention Code shall be met.
4. This project shall be evaluated for Land Disturbance Permit requirements.
5. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
6. This permit is contingent upon the applicant obtaining a sewage disposal permit and a lodging permit from the Health Department. A copy of said permits shall be submitted to the Community Development Department prior to issuance of a building permit. Well and septic shall be installed and approved by the Health Department prior to issuance of a certificate of occupancy.

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**REMOVAL FROM THE TABLE - SUP20-098.**

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board removed from the table, SUP20-098 Matthew Koch, 4888 Foothills Lane, Keezletown 22832 request for a small contractor’s business on property located on the east side of Foothills Lane (private) approximately 1/2 mile south of Mini Ball Lane (Route 718), Election District #3, zoned A-2. Tax Map #111-(A)-102.

Supervisor Chandler stated that he visited the property. He said the site is located along a private driveway, and is not an appropriate location for a contractor's business.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board denied SUP20-098 Matthew Koch, 4888 Foothills Lane, Keezletown 22832 request for a small contractor's business on property located on the east side of Foothills Lane (private) approximately 1/2 mile south of Mini Ball Lane (Route 718), Election District #3, zoned A-2. Tax Map #111-(A)-102.

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**COMMITTEE REPORTS.**

AIRPORT

Chairman Kyger reported that capital improvements will move forward as planned at the Airport. Both general and commercial aviation are doing well.

CHAMBER OF COMMERCE

Supervisor Wolfe-Garrison reported that Valley Fest was canceled.

COMMUNITY CRIMINAL JUSTICE BOARD

Chairman Kyger said that City Police Chief Eric English is leaving Harrisonburg to become Henrico County's new Chief of Police. Mr. Kyger suggested the Board adopt a proclamation to recognize Chief English for his memorable contributions to the greater community.

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY

The Harrisonburg-Rockingham Regional Sewer Authority was a recipient of the 2020 Governor's Environmental Excellence Award for Enhanced Biosolids Reuse and Reduction Project.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison pointed out the Library is open. Chairman Kyger reminded citizens there is still time to complete the 2020 Census, which can be done at the Library.

VACo LIAISON

Chairman Kyger reported the 2021 Annual VACo Conference is scheduled for November 13-16, 2021, in Norfolk.

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**ADJOURNMENT.**

Chairman Kyger declared the meeting adjourned at 7:34 p.m.

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Chairman