

January 27, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 27, 2021, 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:

- 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
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Zoning Administrator
- 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  
INVOCATION  
PLEDGE OF ALLEGIANCE.**

Chair Chandler called the meeting to order at 6:00 p.m.

Supervisor Wolfe-Garrison provided the Invocation and Assistant County Administrator Armstrong led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Wolfe-Garrison, 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 January 13, 2021 meeting.

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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 said since the Smithland Road (Route 720) bridge will connect to a wider road with shoulders in the City, a sidewalk can possibly be added in the future.

Mr. Komara reported the Friedens Church Road (Route 682) bridge project will be advertised in the summer of 2021. VDOT widened North River Road (Route 867), cut trees around the railroad crossing and helped install a pipe through the small railroad bridge so the road can accommodate the detour. Mr. Komara noted all necessary rights-of-way have been obtained and VDOT needs to finalize the project with the railroad.

Mr. Komara reminded the Board that the four bridges over Interstate 81 at the Exit 247 interchange onto East Market Street (Route 33) will be replaced with two bridges between Golden China and Burgess Road. The rights-of-way have been secured and VDOT is working on the design plan for a multi-use path in the median. An advertisement for this \$60 million project is planned in the late fall or winter of 2021.

In response to questions from Supervisor Wolfe-Garrison, Mr. Komara indicated an overhead walkway is not planned over the median. A handrail, fence, or similar separation will be installed between the traffic and the pedestrians, who will be able to cross East Market Street near the Golden China Restaurant or Krispy Crème Donuts. Mr. Komara noted that pedestrians frequently walk in the median on East Market Street, so an extra wide path with a separation between the travel lane and the path seems to be the safest option.

Mr. Komara stated he wants to visit with the new Forest Ranger about moving the upper Rawley road project along so work can be scheduled in the late fall.

Mr. Komara advised the Board that he did not have an update on the status of the South Valley Pike (Route 11) and Cecil Wampler Road (Route 704) rights-of-way. He plans to investigate that further so he can have that project underway before the widening of Interstate 81 begins.

Mr. Komara reported that Round 4 Smart Scale projects were announced. He noted that Mr. Armstrong, Ms. Cooper, and Mr. Dyjak performed a lot of work on the Smart Scale submissions. Mr. Komara stated 20 projects were approved in the Staunton District, with 16 of those in his residency, and seven in Rockingham County and Harrisonburg. Some of the top Smart Scale projects were the Park and Ride at Mt. Crawford (\$3 million) and the Smithland Road (Route 720) widening (\$3.5 million), Mr. Komara said. He also informed the Board of some projects awarded to the City.

Maintenance items included cutting brush and trees, including the tree in the VDOT right-of-way along Waggys Creek Road (Route 742). VDOT replaced pipes from Singers Glen to Mt. Clinton Pike (Route 763) and may be able to build shoulders and widen Mt. Clinton Pike in some places. VDOT also cleaned pipes and ditches in Bergton.

Supervisor Ritchie asked if the construction companies, working on the bridges over Interstate 81, will bring their own crews or utilize local labor. Mr. Komara said local citizens have been hired for smaller projects in the past, but he thinks the Route 33 project, will attract large companies from the East Coast. He indicated there will be numerous smaller jobs that could utilize subcontractors and other local labor.

Supervisor Breeden advised Mr. Komara that there are sizable potholes in Spotswood Trail (Route 33) near the McGaheysville Dollar General.

Supervisor Breeden stated he was aware that Mr. Komara was trying to help Merck with Captain Yancey Road (Route 642), and he believes a wider crossing is needed at the railroad tracks because traffic backs up in one lane. Mr. Komara would like to apply for a future revenue sharing project to widen the lane and create separate left and right turn lanes, which may discourage people from traveling on Captain Yancey Road. Mr. Komara thinks motorists will drive faster on Captain Yancey Road if improvements are made. He reported that 400 vehicles currently utilize Captain Yancey Road daily, and the road will be utilized by those vehicles twice a day.

Supervisor Wolfe-Garrison reminded Mr. Komara about the numerous, sizable potholes in the east and west bound lanes on Mt. Clinton Pike (Route 763), just west of the City limits to Lincolnshire Drive (Route 1134). She also noted that the reflective arrow signs at the curve on the eastern side of Pike Church Road (Route 701) are down.

Supervisor Kyger expressed appreciation to VDOT staff for cutting the trees on Waggys Creek Road. He reminded Mr. Komara about issues on Lady Bug Road (Route 749) and requested that VDOT cut trees on Lady Bug Road.

Mr. Komara said he talked with VDOT's traffic staff about the speed issues Chair Chandler brought to his attention at the January 13, 2021 meeting.

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

The Board received and reviewed Mr. Armstrong's staff report dated January 27, 2021.

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

The Board received and reviewed Ms. Cooper's staff report dated January 27, 2021.

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**REMOVAL FROM THE TABLE – SUP20-319, MADISON D. ALLMAN/CMH HOMES, INC.**

Supervisor Breeden made a motion to remove SUP20-319 for Madison D. Allman/CMH Homes Inc. from the table. The motion was 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 removed SUP20-319, for Madison D. Allman/CMH Homes Inc. from the table.

Supervisor Breeden noted that during the public hearing on January 13, 2021, the applicant stated that she will have a permanent foundation under the manufactured home and will transfer the manufactured home from personal property to real estate.

Supervisor Breeden read the following proposed condition to be added to Ms. Allman's special use permit:

Should the manufactured home proposed for installation with this permit be replaced for any reason whatsoever with another manufactured home, the replacement home shall be on a permanent foundation, and shall be of comparable quality, value, and size, based on the generally accepted standards. Equal value shall be understood to mean that any replacement must, at the time of replacement, have a comparable market value in its time as the proposed manufactured home has at the time of issuance of the permit.

Supervisor Breeden said he visited Ms. Allman's property. He indicated there is currently a modular home on the property, and he could not tell the difference between the manufactured and modular home.

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; and with the following conditions, the Board approved SUP20-319, Madison D. Allman/CMH Homes Inc., 3945 Park Way, Elkton, Virginia, to place a manufactured home on property zoned RR-1-Residential or Recreational, located on the east side of Treeland Lane, approximately

0.28 mile south of East Side Highway (Route 340) in Election District #5. Tax parcel 154-(2)-L9.

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. Should the manufactured home proposed for installation with this permit be replaced for any reason whatsoever with another manufactured home, the replacement home shall be on a permanent foundation, and shall be of comparable quality, value, and size, based on the generally accepted standards. Equal value shall be understood to mean that any replacement must, at the time of replacement, have a comparable market value in its time as the proposed manufactured home has at the time of issuance of the permit.

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### **COMMITTEE REPORTS.**

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

#### COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chair Chandler said the CCJB plans to meet on March 1, 2021, and a new chair will be appointed at that meeting.

#### FINANCE COMMITTEE

Supervisor Kyger noted the Finance Committee plans to meet on February 4, 2021.

#### MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison reported that the library has reverted to “pick up only”.

#### SOCIAL SERVICES

Supervisor Breeden noted there is a Social Services meeting on January 28, 2021, which he will attend via Zoom.

#### VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger announced that the VACo/VML Legislative Day will be held virtually on January 28, 2021, with Governor Northam speaking around noon. He noted the VACo Board of Directors will meet virtually that afternoon. Supervisor Kyger also indicated Supervisors Chandler and Wolfe-Garrison will attend the 2021 Virtual VACo Chairpersons’ Institute on January 29, 2021.

#### CHAIR

Chair Chandler informed the Board members that he hopes they follow the County Connections. Supervisor Kyger stated there was a significant item earlier in the day dealing with the pandemic and responsibilities to employees, which the state is considering passing. He stated the legislation going through Richmond is dealing with the pandemic and local government, as well as sovereign immunity which needs to be closely watched because it could cause issues in the future.

Chair Chandler asked Board members to consider the information provided about the Middle River Regional Jail (MRRJ) expansion and provide guidance to Administrator King.

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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 6:37 p.m. to 6:58 p.m., for a closed meeting pursuant to Section 2.2-3711.A (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 Meeting; and (7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MOTION: SUPERVISOR KYGER  
SECOND: SUPERVISOR BREEDEN

RESOLUTION NO: 21-02  
MEETING DATE: January 27, 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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**RESUME MEETING.**

At 7:00 p.m., Chair Chandler resumed the meeting.

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**RECESS MEETING.**

At 7:01 p.m., Chair Chandler declared the regular meeting recessed for a meeting of the Massanutten Water and Sewer Authority.

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**RESUME MEETING.**

At 7:02 p.m., Chair Chandler resumed the meeting.

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**PUBLIC HEARING – REZONING.**

At 7:02 p.m., Chair Chandler opened the public hearing and Mr. Dyjak reviewed the following rezoning request:

REZ20-306 Mike Nacarato, 519 New Paul Road, Lavergne, TN 37086. Request location: West side of Walton Way (VA 950), 0.2 miles north of Friedens Church Road (VA 682). Request to rezone Tax Map Parcel 137-(A)-L86 and a 20.59-acre portion of an 84.956-acres of TM 137-(A)-L85, totaling approximately 26.8 acres, from B-1 (General Business) and A-1 (Prime Agricultural) to I-1 (Industrial). Election District 4.

Mr. Dyjak noted there are no proffers related to limitation of uses. He noted the Rezoning Case Report includes a list of all available I-1 uses.

Mr. Dyjak stated the applicant has indicated their immediate intent is to build a Volvo truck dealership and service center.

Staff recommended approval on December 31, 2020, and the Planning Commission recommended approval by a 5-0 vote on January 5, 2021.

Mr. Dyjak indicated there have been no public comments received regarding this rezoning request. However, the applicants' agent was available to answer questions.

Supervisor Ritchie asked which portion of the property was in A-1, and Mr. Dyjak pointed out the A-1 and B-1 portions of the parcels. He informed Supervisor Ritchie that since the Walmart Distribution Center property is currently zoned I-1, the rezoning forms a logical extension of an I-1 industrial district between Interstate 81 and Walton Way. Mr. Dyjak indicated the eastern portion of the site will remain A-1 for now.

Supervisor Kyger said he hopes the design for the building is aesthetically pleasing and welcoming to people traveling through the County because it is the gateway into Rockingham County. He stated Economic Development prospects look at corporate and commercial entities in a community to determine if they want to locate their business in that area.

Supervisor Wolfe-Garrison wanted to confirm that two dealerships currently located on South Main Street (Route 11) just outside the Harrisonburg city limits are being separated and one dealership will remain on Route 11.

Ed Blackwell with Blackwell Engineering said he is the agent for the buyer, and he noted a couple individuals representing the company were in attendance and could probably respond best to the question.

Chris Batson stated his understanding is that the two businesses currently located on South Main Street just outside of Harrisonburg will be moved onto the new property. Mr. Batson said he assumes both dealerships on South Main Street will be vacant.

Mr. Blackwell noted the dealership will utilize approximately six acres of the 20-acre site. They do not currently have a plan for the remaining acreage.

Mr. Blackwell requested that following the public hearing, the rezoning request be tabled, because the seller has some contractual matters to address.

No one from the public spoke regarding the rezoning request.

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At 7:10 p.m., Chair Chandler closed the public hearing.

Supervisor Kyger indicated he is familiar with the details of the request, and he realizes the dealership still has work to be done. At the applicants' request, Supervisor Kyger made a motion to table REZ20-306 for Mike Nacarato, until the applicant indicates the issues have been resolved, and they are ready to move forward.

Supervisor Ritchie seconded the motion 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 tabled REZ20-306, Mike Nacarato, 519 New Paul Road, Lavergne, TN 37086. Request location: West side of Walton Way (VA 950), 0.2 miles north of Friedens Church Road (VA 682). Request to rezone Tax Map Parcel 137-(A)-L86 and a 20.59-acre portion of an 84.956-acres of TM 137-(A)-L85, totaling approximately 26.8 acres, from B-1 (General Business) and A-1 (Prime Agricultural) to I-1 (Industrial). Election District 4.

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**ADJOURNMENT.**

Chair Chandler declared the meeting adjourned at 7:11 p.m.

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Chair