

February 12, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 12, 2020, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. 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
- KIRBY W. DEAN, Director of Parks & Recreation
- ANN MARIE FREEMAN, Director of Court Services
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Deputy Zoning Administrator and Code Compliance Officer
- JUSTIN S. MOYERS, Deputy Director of Finance
- LISA K. PERRY, Director of Environmental Services
- DIANA C. STULTZ, 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**  
**INVOCATION**  
**PLEDGE OF ALLEGIANCE.**

Chairman Kyger called the meeting to order at 3:00 p.m.

Supervisor Chandler provided the Invocation and County Administrator King led the Pledge of Allegiance.

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**INTRODUCTION OF STUDENTS.**

A student from East Rockingham High School introduced herself to the Board.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Trumbo, seconded by Supervisor Chandler, 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 January 22, 2020.

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**TRANSPORTATION DEPARTMENT.**

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

- Although rain delayed work over the last two weeks, the Route 11 bridge work over I-81, Exit 257 at Mauzy continues to progress well. The contractor may complete the bridge by December, six months ahead of schedule;
- The Lairs Run Road bridge (Route 921) will be completed in June;
- The Route 42 Bicycle/Buggy lane extension will begin in April and will be finished by the end of May;
- Work has started on the realignment of the I-81 Exit 245 northbound off ramp to intersect Port Republic Road directly across from the Forest Hill Road intersection;
- Rural rustic work is occurring on Power Dam Road (Route 651), Cromer Road (Route 765), Slab Road (Route 734), and Swope Road (736);
- Maintenance items included brush cutting, pothole patching and excavating;
- Mr. Komara announced that a citizen information meeting concerning safety improvements to Brocks Gap Road (Route 259) is scheduled for February 13, 2020, at 4 p.m., at Fulks Run Elementary School.

Supervisor Trumbo indicated he has heard concerns that American Legion Drive (Route 800) is too narrow for vehicles to pass one another simultaneously near the culvert. Supervisor Trumbo also mentioned that the stop sign at the intersection of Lone Pine Road (Route 618) and New Market Road (Route 211) is frequently knocked down and wondered if placing it on the right-hand side of the intersection would help.

Supervisor Breeden stated that the Sun Valley bridge on South East Side Highway (Route 340) needs to be widened. He said it is dangerous for two large vehicles crossing the bridge at once, pointing out that there is a lot of large industrial truck traffic in the MillerCoors and Merck corridor.

Supervisor Wolfe-Garrison brought attention to two downed road signs: the Garden Club trash pick-up acknowledgement sign on Swope Road (Route 736) and the turn sign on Weavers Road (Route 726), west of Eversole Road (Route 766).

Supervisor Wolfe-Garrison also stated that motorcyclists have voiced concern over a rough patch of pavement on Weavers Road (Route 726) in the eastbound lane. She indicated that roughly 15-18 feet of pavement in the “s” curve is “chewed up” and should be repaved.

Chairman Kyger reiterated the need for improvements to Ladybug Road (Route 749). He mentioned the bridge near the community center in Briery Branch could use some attention and suggested that fire and rescue staff could possibly help clear some of the brush.

Chairman Kyger brought attention to an area on Interstate 81 (not too far after Exit 240 in Mount Crawford) where the pavement has a rough patch that affects steering. He said the rough patch is in the northbound, right lane. He also suggested that the realignment of Airport Road (Route 727) and Springcreek Road (Route 613) be considered in the future.

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

The Board received and reviewed Mr. Armstrong's Economic Development staff report dated February 12, 2020.

In response to a question from Supervisor Wolfe-Garrison, Mr. Armstrong indicated the tourism promotional videos will be made accessible through the County's economic development webpage and via social media.

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**FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed the Finance Director's staff report dated February 3, 2020.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, 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 declared the following items surplus to be disposed of through the public surplus auction or to be discarded:

**Items to Declare Surplus – February 2020**

Description	Quantity
<u>Public Works</u>	
10.0 Horsepower, 460 Vols, 12.8 amps, RPM 1745	2
40 Horsepower, 460 volts, 46.5 amps, 1780 rpm	2
Motorized, Overhead Door	1
<u>Technology</u>	
Dell Latitude C840 laptop, no hard drive	1
Dell Latitude CPX laptop, no hard drive	1
Dell Latitude C600 laptop, no hard drive	1
Dell Latitude D830 laptops, no hard drives	5
Dell Latitude D630 laptop, no hard drive	1
HP Server ProLiant ML350, no hard drives	2
HP Server ProLiant ML350G6, no hard drive	1
HP Server ProLiant ML370, no hard drive	1
HP Server ProLiant ML330G6, no hard drive	1
iPhone 6	2
iPad Air	1
Fujitsu Scanners Scan Snap S300	5

**Items to Discard – February 2020**

Desktop Computers w/o hard drives	220
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**HUMAN RESOURCES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Mongold's staff report dated February 12, 2020.

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

The Board received and reviewed Mr. Rhodes' staff report dated February 12, 2020.

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

The Board received and reviewed Ms. Cooper's staff report dated February 12, 2020.

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**TECHNOLOGY DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Perry's staff report dated February 2020.

Mrs. Perry reported that local government IT professionals recently met with the Virginia Department of Elections regarding new security mandates for localities. The new security standards are required to be implemented starting this year. Mrs. Perry indicated the length of time it will take the County to meet the state mandate will depend on the upcoming County budget. Mrs. Perry acknowledged that security is a high priority; but noted that the unfunded state mandate required by localities, in a short time period, is distressing.

Mrs. Perry indicated technology requests involving the new security initiative will be discussed with the technology committee in the same manner as other requests.

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**FIRE AND RESCUE CHIEF'S STAFF REPORT.**

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

Chief Holloway reported that staff recently participated in active shooter training with other local agencies. He said in addition to the benefits of the training, it provided the opportunity for agencies to build good working relationships.

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**PARKS & RECREATION DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Dean's staff report dated February 3 2020.

Mr. Dean presented a request to amend Article VII of the Recreation Commission Bylaws. The amendment would reduce the total number of meetings per year from ten to six. Mr. Dean noted the five Commissioners are in agreement with the proposed amendment.

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 adopted the following Recreation Commission Bylaws to be effective immediately:

**BYLAWS OF THE ROCKINGHAM COUNTY RECREATION COMMISSION**

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The following Bylaws are adopted by the Rockingham County Board of Supervisors (the Board) for the Rockingham County Recreation Commission (the Commission) and are effective as of February 13, 2020.

The Commission was established by resolution of the Board on August 13, 1968, and continues operating at the pleasure of and under the authority of the Board and pursuant to Section 15.2-1806 *et seq.* of the Code of Virginia, 1950, as amended.

Article I. Name.

The Name of this commission shall be the Rockingham County Recreation Commission.

Article II. Purpose.

The purpose of the Commission is to work through the Director of the Department of Parks and Recreation (the Director) to serve as the advisory body to the Director and the Board in matters pertaining to recreation programs and projects in the County.

Article III. Members

1. The Commission shall consist of five (5) members, one (1) from each election district, appointed by the Board. Pursuant to the Bylaws in effect prior to these December 14, 2016 Bylaws, the Commission consisted of ten (10) members. The five (5) member Commission shall be obtained by attrition as members' terms come to an end. Each Commission member shall serve a four (4) year term and may be re-appointed for a succeeding four-year term.
2. All members of the Commission shall be compensated at a rate and within the guidelines established by the Board from time-to-time.
3. Members serve at the pleasure of the Board and may be removed at anytime by the Board.
4. Vacancies on the Commission shall be reported to the Clerk of the Board, and shall be filled for the unexpired term of office.
5. Commission members are required to attend a minimum of two-thirds (2/3) of the regular Commission meetings each calendar year.

Article IV. Officers

1. The officers of the Commission shall be Chairman, Vice-Chairman and Secretary.
2. Officers shall be elected by the Commission members present at the January organizational meeting in even numbered years. The officer shall assume the office immediately and serve for a two (2) year term, or until a successor shall be elected and take office.
3. Vacancies in an officer position shall be filled at the next regular meeting by the Commission.

Article V. Duties of Officers

1. The Chairman shall preside at all meetings and hearings and appoint special and standing committees, report any official communication at the next regular meeting, stay informed by the Director of the activities of the Department of Parks and Recreation (the Department), and carry out other duties as assigned by the Board and the Commission.
2. The Vice-Chairman shall stay well informed of the activities of the Chairman and the Department and assume the duties and responsibilities of the Chairman in the Chairman's absence or incapacity.
3. The Secretary shall maintain summary minutes of all meetings and hearings of the Commission and standing committees, and shall provide approved copies of all minutes to the Director. The Secretary shall ensure that the Commission complies with all public notification requirements for regular and special meetings, and public hearings, of the Commission. The Secretary shall work with the Director to prepare and issue the official correspondence of the Commission, maintain the Commission documents, and certify any reports, records, or maps issued by the Commission.

Article VI. Committees

1. The following standing committees shall be appointed by the Chairman: athletics, programs & trips, special events, park, seniors, facilities and appeals.

- 2. The term for committee appointments shall be two (2) years. Vacancies shall be filled by the Chairman for the unexpired term.
- 3. Special committees may be appointed by the Chairman for the purposes and terms stipulated by the Commission.

Article VII. Meetings

- 1. A combined organizational and regular meeting shall be held in January of each year. Regular meeting days and times shall be set at the organizational meeting for the remainder of the year. There shall be six total meetings per calendar year, including the January organizational meeting.
- 2. Special meetings may be called by the Chairman or by two (2) members of the Commission. Written notice shall be given to each member at least five (5) days in advance. Notice may be waived in writing or deemed waived by attendance.
- 3. Public hearings shall be scheduled and conducted by the Commission at the request of the Chairman, two (2) members, or the Board of Supervisors. Public notice in a manner agreed upon by the Commission shall be given by the Secretary at least one (1) week in advance.
- 4. Public Information
  - a. All meetings and hearings and their minutes, records, reports and accounts shall be open to the public and posted on the County website or other means of public notice.
  - b. The Commission may hold closed meetings in compliance with state law.
  - c. Public participation in Commission meetings and activities is encouraged.
- 5. A simple majority of total membership shall be deemed a quorum, and is required for any vote to be taken by the Commission.
- 6. Order
  - a. The agenda for the regular meeting shall be: Call to Order by the Chairman, Roll Call, Determination of Quorum, Approval of Agenda, Approval of Minutes, Citizen Input, Reports of Standing Committees, Matters to be presented by Commission members, Old Business, New Business, and Adjournment.
  - b. The number of votes necessary to carry a motion or resolution shall be a majority of those present. Voting may be by roll call, in which case a record will be kept as part of the minutes.
  - c. Commission meetings shall follow parliamentary procedure as set forth in Robert’s Rules of Order.

Article IX. Bylaws

These Bylaws may be amended from time-to-time by the Board.

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AFTER SCHOOL PROGRAM

Mr. Dean reported that the After School Program will face challenges next year with the proposed earlier school release times. He explained that school officials have agreed to cover the extra hour between 2-3 p.m., if the Recreation Department is able to provide one staff person, per school during that time.

Mr. Dean pointed out that the Recreation Department is currently struggling to maintain sufficient staff in the After School Program. He said the program needs to be evaluated to determine whether it should be downsized or to determine how to meet and maintain adequate staffing needs.

Discussion ensued. Chairman Kyger suggested that Board members and staff consolidate questions and schedule a meeting to discuss the Program moving forward.

**COURT SERVICES DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Freeman’s staff report dated February 12, 2020.

Supervisor Wolfe-Garrison inquired as to whether the Harrisonburg Rockingham Page Reentry Council (HRPRC) provides brochures in other languages and asked where the brochure is made accessible to the community. Mrs. Freeman indicated she will ask HRPRC if the brochure is available in other languages and stated that Court Services prints various brochures to make available to their clients.

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**2020 CENSUS UPDATE.**

Director of Planning Dyjak provided an update regarding the 2020 Census. He said the County is coordinating with regional partners to get as much information out to the community as possible. For clarification, he explained that while the decennial census is coming up, the American Community Survey (ACS) is simultaneously being distributed to some residences. The decennial census involves a ten-question survey distributed to every residence in the U.S. The ACS survey is an ongoing survey by the U.S. Census Bureau that regularly gathers more-detailed demographical information. Mr. Dyjak confirmed that any household receiving both surveys is required to complete and return each.

Chairman Kyger said that every residential address will receive a postcard questionnaire before April 1, 2020. This is the first census to offer options to respond online or by phone, in addition to the paper form. Chairman Kyger stressed the importance of the decennial census, stating it is a constitutional requirement of all persons residing in the United States. He urged everyone to take part in his or her constitutional duty by completing the census, and he reiterated that for every person counted, respective localities receive \$2,000 in annual federal funding per person.

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**COMMITTEE REPORTS.**

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

COMMUNITY CRIMINAL JUSTICE BOARD

Supervisor Chandler announced that Frank Sottaceti was hired to fill the Community Criminal Justice Board Planner position and will begin on March 9, 2020.

FINANCE

Supervisor Breeden reminded the Board that the FY20-21 budget work session is scheduled for February 26, 2020, at 3:30 p.m., in the fire and rescue training room.

SOCIAL SERVICES

Supervisor Breeden indicated there were not enough advisory members at the last meeting to take action on any items.

VACO

Chairman Kyger reported that the recent VACo Legislative Day was informative. He said it appears the Revenue Fairness Bills are moving forward and he is hopeful the proposed legislation will pass in order for the County to gain the same taxing authority as cities and towns. Chairman Kyger also indicated it appears significant legislation will be brought before the Governor that could greatly benefit Counties.

CHAIRMAN

A citizen asked if he could address the Board concerning the protection of citizens' constitutional rights. Chairman Kyger suggested the citizen contact Mr. King after the meeting to be placed on an upcoming agenda.

PUBLIC WORKS

Supervisor Wolfe-Garrison reported that the Public Works Committee met with Public Works Director Rhodes earlier in the day to discuss a Milstead development that originated in 2004. The County has no water and sewer facilities available to the property. The City agreed to provide water and sewer for the project in 2004. The project never started and now that the developer is ready to move forward, the City has asked Milstead Construction to submit an application for public utilities, in order to reevaluate the water and sewer request. The application requires the County to signoff.

Supervisor Wolfe-Garrison indicated the committee discussed the request and recommended staff sign the application and designate the development to be served as direct City customers.

By consensus, the Board authorized staff to sign and return the application to the City with a request that the individual lots in the development be direct water and sewer customers of the City of Harrisonburg.

**RECESS.**

At 4:17 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Lake Shenandoah Stormwater Control Authority, which was followed by a dinner break.

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**PUBLIC HEARING – SPECIAL USE PERMITS.**

At 6:00 p.m., Chairman Kyger reconvened the Regular Meeting of the Board of Supervisors and opened the public hearing.

Ms. Stultz reviewed the following special use permit request:

SUP19-303 Joseph R. Bauman, 5260 E. Timber Ridge Road, Mt. Crawford, 22841 for 36' x48' addition to small contractor's business on property located on the west side of E. Timber Ridge Road (Route 668) approximately 1400' east of Cross Keys Road (Route 276), Election District #3, zoned A-2. Tax Map #151-(A)-9D.

The applicant was present.

No one spoke regarding the request.

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Deputy Zoning Administrator Getz reviewed the following request:

SUP19-305 Ashleigh Sheaves/Johnny Sheaves, PO Box 352, Bridgewater 22812 for a second residence on property located at deadend of Sheaves Lane (private) and joining Warm Springs Pike (Route 42) on the south side of Warm Springs Pike, Election District #4, zoned A-2, Tax Map #136-(A)-6B. Property Address: 8517 Sheaves Lane.

The applicants were present.

No one spoke regarding the request.

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Ms. Stultz reviewed the following request:

SUP19-316 Cross Keys Farm, Inc. PO Box 281, Crimora, 24431 for a farm market on property located on the west side of Cross Keys Road (Route 276) across from Battlefield Road (Route 679), Election District #3, zoned A-2. Tax Map #139-(A)-118. Property address: 3022 Cross Keys Road.

The applicant was present.

No one spoke regarding the request.

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Chairman Kyger closed the public hearing at 6:16 p.m.

SUP19-303

Supervisor Chandler stated that since the addition to the business does not create additional positions or increased traffic, he recommends approval of the request.

Supervisor Chandler motioned for approval, seconded by Supervisor Breeden.

Supervisor Trumbo asked if there are site storage regulations. Ms. Stultz indicated the site must be kept in a neat manner. She explained that the intent of the 5,000 square foot building is to allow room for indoor storage of materials. Mr. Trumbo said the site appears clean now and said he would like to see it remain that way.

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, with the following conditions, approved SUP19-303 Joseph R. Bauman, 5260 E. Timber Ridge Road, Mt. Crawford, 22841 for 36' x48' addition to small contractor's business on property located on the west side of E. Timber Ridge Road (Route 668) approximately 1400' east of Cross Keys Road (Route 276), Election District #3, zoned A-2. Tax Map #151-(A)-9D.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Addition shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. All Health Department regulations regarding septic shall be met. Should the Health Department require a septic permit, a copy of said permit shall be submitted to Community Development prior to application for a building permit.
4. Site plan requirements shall be met.
5. All supplemental standards involving small contractor's business shall be met and shall be attached to the special use permit and become a part of the special use conditions. Those supplemental standards will change only if the County supplemental standards regarding small contractor's business change.

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SUP19-305

Chairman Kyger indicated the request meets the intent and design of the County Code and requested a member of the Board bring forth a motion for approval on his behalf.

On behalf of Chairman Kyger, 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, with the following conditions, approved SUP19-305 Ashleigh Sheaves/Johnny Sheaves, PO Box 352, Bridgewater 22812 for a second residence on property located at deadend of Sheaves Lane (private) and joining Warm Springs Pike (Route 42) on the south side of Warm Springs Pike, Election District #4, zoned A-2, Tax Map #136-(A)-6B. Property Address: 8517 Sheaves Lane.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Residence shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. Residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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SUP19-316

Supervisor Chandler motioned for approval of SUP19-316, seconded by Supervisor Breeden.

Chairman Kyger recalled the effort put forth for the protection and integrity of the two battlefields in Rockingham County. He said he appreciated the applicant’s good stewardship and applauded them for their efforts in maintaining and enhancing the property.

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, with the following conditions, approved SUP19-316 Cross Keys Farm, Inc. PO Box 281, Crimora, 24431 for a farm market on property located on the west side of Cross Keys Road (Route 276) across from Battlefield Road (Route 679), Election District #3, zoned A-2. Tax Map #139-(A)-118. Property address: 3022 Cross Keys Road.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This business shall be permitted to operate with portable toilets for the first two seasons to allow time for the business to become established. Prior to the 2022 selling season, an approved septic shall be installed.
4. As the restroom facilities will require construction of a building, a new special use permit shall be required at that time.
5. All supplemental standards involving farm markets shall be met and shall be attached to the special use permit and become a part of the special use conditions.

Those supplemental standards will change only if the County supplemental standards regarding farm markets change.

6. In accordance with VDOT requirements, this business may open with existing entrance; and as the business grows, the entrance shall be re-evaluated by VDOT on an annual or bi-annual basis.
7. Should VDOT require upgrades to the existing entrance at any time, those requirements shall be met.
8. Site shall be evaluated to determine if a site plan shall be needed. If needed, applicant shall meet all requirements regarding the site plan.
9. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.

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**ADJOURNMENT.**

Chairman Kyger declared the meeting adjourned at 6:22 p.m.

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Chairman