

May 12, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 12, 2021, 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
- MICHAEL A. BREEDEN, Election District #5

WILLIAM B. KYGER, JR., Election District #4 was absent

Also present:

- 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
- 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
- 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
PLEDGE OF ALLEGIANCE
INVOCATION.**

Chair Chandler called the meeting to order at 3:00 p.m.

Supervisor Wolfe-Garrison provided the invocation, and Director of Community Development Cooper led the Pledge of Allegiance.

Chair Chandler noted that Supervisor Kyger is out of town.

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APPROVAL OF MINUTES.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of April 28, 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 VDOT is planning substantial completion of the drainage improvements including sidewalks, curb, and gutter in Dayton, as well as paving, in preparation for the Dayton Redbud Festival on June 5, 2021.

VDOT is considering potential alternatives, such as a roundabout, for the intersection east of the Pleasant Valley Road (Route 679) bridge over Interstate 81 when the interstate is widened, Mr. Komara stated.

Mr. Komara noted the Spotswood High School entrance project from Spotswood Trail (Route 33) will begin the first part of June, after students complete the 2020-2021 school year.

Maintenance items included stabilizing a slope at the Community Center Road (Route 731) bridge in Briery Branch, mowing, performing heavy mechanized patching, spreading plant mix, applying calcium chloride, and repairing the large pothole at the intersection of Rocky Bar Road (Route 754) as Supervisor Breeden requested.

Mr. Komara noted that the public hearing for VDOT's Secondary Road Six-Year Improvement Program was not held in 2020 due to the COVID pandemic, but it will be held during the May 26, 2021 meeting. He noted the first three years are set, but years 4, 5, and 6 are flexible based on how much time VDOT spends maintaining the road. He reminded the Board members that roads need to have a volume of 50 or more vehicles a day to be paved. Some roads fall below that volume, but VDOT can consider those roads later. Mr. Komara noted VDOT is willing to look at issues.

Supervisor Ritchie complemented VDOT staff who maintain the area near his home, stating it is kept neat and mowed. Mr. Komara noted that staff in all four areas of the County work to make the County look nice.

Mr. Komara had previously mentioned extending the left turn lane on John Wayland Highway (Route 42) to turn on Eberly Road (Route 732) toward Wilbur Pence Middle School. VDOT recently received safety money that was used to construct the turn lane. In response to a question from Supervisor Wolfe-Garrison, Mr. Komara confirmed that the turn lane was extended, but not all the way to the bridge.

Supervisor Wolfe-Garrison asked that VDOT staff remember to sweep the gravel and grass of the Bike and Buggy Lane, from Route 42 north of Harrisonburg to Bridgewater, when they are mowing.

Chair Chandler noted that he had a nice meeting with Mr. Komara, and he expressed appreciation for VDOT mowing.

Chair Chandler mentioned that the City of Harrisonburg is looking at the cut-through from Port Republic Road (Route 253) through Fieldale Place (Route 895), to travel to Reservoir Street (Route 710). He said the City tried several options to alleviate the situation, but since they have not been successful, the City may eliminate the connection from Fieldale Place to the Eastport Subdivision. Chair Chandler said the people most affected are those who live in the Portland East neighborhood.

Mr. Komara said new developments cannot be constructed without connectivity and noted he will attempt to find a solution. Chair Chandler does not think students need to cut through that area, and said he believes homeowners would welcome conversations with VDOT staff.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Holloway’s staff report dated May 2021. He provided his report early in the meeting so he could participate in a conference call regarding the fuel shortage in Virginia.

Chief Holloway said 32,745 vaccines were provided at the Rockingham County Fairgrounds, 5,837 were given to employees at large local industries, and additional vaccines were given to employees at smaller businesses. He reported the Health Department started administering the first round of vaccinations to high school students. The second dose of the vaccine will be provided to high school students on the same day initial vaccines are given to middle school students.

Fire and Rescue staff hope to visit community areas where few people have received vaccines. In addition to vaccinating citizens in their homes, vaccines will be available at Covenant Presbyterian Church, Valley View Church, and either the Bergton Community Center or Bergton Fire and Rescue building. He also hopes to hold a vaccination clinic in the Elkton area.

Chief Holloway would like to have all three vaccines available at the sites so citizens can select which vaccine they want. He noted only 100 people attended the Fairground vaccination clinic earlier in the day. Next week, 200 individuals are scheduled to receive their second dose at the Fairgrounds, Chief Holloway said. He thinks the clinics will continue to have fewer people so Fire and Rescue staff is working with pharmacy staff who will offer vaccines at private schools.

Chair Chandler expressed appreciation to Fire and Rescue staff for their efforts. He asked that Chief Holloway inform his staff that citizens understand they are very fortunate. He also noted that it is impressive that Fire and Rescue staff are willing to visit people in their homes to provide the vaccine.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Administrator King’s staff report dated May 7, 2021.

Mr. King said he talked with half of the Building Committee members earlier in the day about a potential addition to the front of the Administration Center to create a large meeting room which could be used for elections.

Administrator King stated he would like Registrar Lisa Gooden to be in direct contact with the architect to determine the best conceptual floor plan for the addition.

Administrator King noted that originally, the \$70,000 budget was intended to be used to create a patio with a tent cover or permanent cover, but it was determined that an all-weather, secure facility with access control is needed. The intent is for the meeting room to be used during elections, Mr. King said. When it is not needed for voting, it will be used as a general meeting room with outside access.

Supervisor Ritchie asked Mrs. Gooden if the proposed space would provide ample room for the elections. After she indicated there could be more room, Chair Chandler suggested that an effort be made to maximize the space.

Chair Chandler stated the consensus was to move forward.

Administrator King reported that Chair Chandler and the other Chief Elected Officials from the five jurisdictions that partner with Middle River Regional Jail (MRRJ) have discussed a potential project scope to address core facility renovations at MRRJ. The project may include a medical and mental health area, a place for attorneys to meet with their clients, a

kitchen, laundry, offices and possibly limited mental health beds, at an estimated cost of \$18 million.

Administrator King expressed concern that the addition of these areas does not consider the overcrowding and long-term space needs. However, Mr. King said if the Virginia Department of Corrections continues to remove the Department of Corrections (DOC) inmates housed at MRRJ and the five partner jurisdictions agree on the core facility changes, MRRJ should consider moving forward with those renovations.

Chair Chandler noted he has met with leaders from the four other jurisdictions to inform them how the County would like to proceed. Chair Chandler said he is glad that 180 inmates at MRRJ have been transferred to the Department of Corrections (DOC) facilities and indicated 90 more will be transferred later. He stated DOC inmates are not supposed to be housed at MRRJ for more than sixty days.

Chair Chandler said the MRRJ partners are seriously looking at criminal justice reform and talking with people in other jurisdictions to find out if they have adopted new programs or procedures that may be beneficial to our jurisdiction.

Administrator King said Treasurer L. Todd Garber informed him that real estate bills were mailed earlier in the day. Mr. King said approximately 75 percent of the real estate tax in Rockingham County is paid directly by property owners, and a very small amount is paid by escrow. He noted this is different from other jurisdictions that collect the majority of their real estate taxes via escrow from mortgage companies. He said this indicates that County homeowners are long-term residents who are invested in the County.

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ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated May 12, 2021.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated May 12, 2021.

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FINANCE COMMITTEE REPORT.

On behalf of the Finance Committee, on motion by Supervisor Wolfe-Garrison, 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 approved the following four supplemental appropriations as highlighted by Mrs. Davidson:

**FY2020-2021
Supplemental Appropriations**

County Capital Projects

A supplemental appropriation in the amount of \$800,000 as part of the Rockingham 2020 plan. The plan called for \$800,000 to be set aside each year in the Capital Projects Fund in order to build the fund balance and be available for miscellaneous projects as needed. Since the budget is strong, staff recommended that the Board of Supervisors continue the practice of transferring money from the General Fund to Capital Projects.

Supplemental Appropriation: \$800,000

\$ 800,000	GL Code: 1101-09401-00000-000-508399-000	Capital Projects: Misc Projects
\$ 800,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund
\$ 800,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to Capital Projects Fund
\$ 800,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Balance

Geographic Information Systems (GIS) Software

The FY21 Capital Improvements Budget includes funding for an upgrade to the GIS Software. The funding for the software was charged to the GIS department budget in the General Fund. The following supplemental appropriation transfers money from the Capital Projects Fund to the General Fund for the purchase.

Supplemental Appropriation: \$91,700

1101-09401-00000-000-508040-000	Capital Projects: Software	(\$ 91,700)
1101-00000-15201-000-352000-000	Capital Projects Fund Reserve	(\$ 91,700)
1001-00000-15201-000-352000-000	General Fund Reserve	(\$ 91,700)
1001-08104-00000-000-508040-000	GIS Software	\$ 38,500
1001-08104-00000-000-503302-000	GIS Maint Srvs Contracts	\$ 53,200

Children’s Services Act

The FY21 Children’s Services Program budget did not include funding for the Administrative support that is available for localities running the Children’s Services Program. Funding available to the County is \$16,690, and \$10,787 is available to the City. The supplemental appropriation will allow for receipt and expenditure of the additional funds and accounts for the local match.

Supplemental Appropriation: \$42,882

Revenue:

1225-00000-12401-000-324203	County Admin	\$ 16,690
1225-00000-15201-000-352000	Fund Reserve - Local Match	\$ 8,771
1225-00000-12401-000-324204	City Admin	\$ 10,787
1225-00000-15201-000-352000	Fund Reserve - Local Match	\$ 6,634

Expenditure:

1225-05318-10100-000-508005-000	County Vehicles	\$ 9,500
1225-05318-10100-000-501100-000	County Salaries	\$ 11,941
1225-05318-10200-000-508005-000	City Vehicles	\$ 9,500
1225-05318-10200-000-501100-000	City Salaries	\$ 11,941

Economic Development Assistance

The State awarded Rockingham County a grant in the amount of \$1,150,000, requiring a local match of \$1,850,000, in order to complete site improvements on the Innovation Village @ Rockingham (IV@R) Technology Park. The site will improve roughly a 77-acre tract of land for a future project. The supplemental appropriation was approved in October of 2020 to flow the funding through the Economic Development Authority (EDA). Since that time, staff learned that the funding is not required to flow through the EDA. An additional \$400,000 is required to fulfill the match agreement and is included in the appropriation below. The funds will be expended from the Capital Projects Fund.

Transfer Appropriation: \$3,000,000
Supplemental Appropriation: \$ 400,000

\$3,400,000	1101-09401-00000-000-508330-000	Other Assistance
\$3,000,000	1101-00000-15101-000-351505-000	Transfer from EDA
\$ 400,000	1101-00000-15102-000-351000-000	Transfer from General Fund
(\$3,000,000)	1505-01223-00000-000-505699-000	Other Assistance
\$3,000,000	1505-09301-00000-000-509511-000	Transfer to Capital Projects Fund
\$ 400,000	1001-09301-00000-000-509511-000	Transfer to Capital Projects Fund
\$ 400,000	1001-00000-15201-000-352000-000	General Fund Reserve

Federal Grants Manual

Mrs. Davidson explained that the County receives Federal Funding for programs such as the SAFER grant, Victim Witness Program, and Social Services Programs, as well as other smaller programs. In order to remain in compliance with the Uniform Grant Guidance that is an “authoritative set of rules and requirements for Federal awards”, the County is required to adopt the Rockingham County Federal Grants Manual. The manual was adopted by the Board of Supervisors in April of 2018.

Since that time, the County has administered several federal grants and projects. After the most recent project, the auditor suggested one change to the manual with regard to transportation projects and identifying budget differences. The proposed update to the manual is below and included in the manual.

Federal Grants- Transportation Projects

The County shall review the project cost of a federally funded transportation project within a week after the bid is approved, a project phase is completed, a design change is approved, or in any other instance where the project cost is changed. It shall then report to VDOT the revised cost estimate. If the project has decreased by \$250,000 or more, the Federal Funds obligated should be revised within 90 days of the determination.

Staff requested that the Board of Supervisors approve the change to the Federal Grants Manual effective immediately.

Supervisor Wolfe-Garrison made a motion to accept Mrs. Davidson’s recommendation for the language verification in the Federal Grants Manual. Supervisor Ritchie seconded the motion 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 the recommendation for the above language verification in the Federal Grants Manual.

Administrator King indicated that in preparation for the County to receive the federal funds, Mrs. Davidson had to provide her passport and social security information and participated in an on-line interview with staff from the Federal Government. Mr. King expressed appreciation to Mrs. Davidson for her willingness to provide confidential and personal information about herself.

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated May 12, 2021.

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PUBLIC WORKS STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated May 12, 2021.

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BUILDING AND GROUNDS COMMITTEE REPORT.

Mr. Rhodes explained that the Rockingham County Regional Jail (RCRJ) collects and sets out refuse for pickup by the City of Harrisonburg. During the last year, the City placed an open-top container at the jail and removed the refuse at their expense. The City asked the RCRJ to review the situation. The Building and Grounds Committee recommended going back to using an open-top container. They discussed using a compactor or smaller boxes due to the lack of space at the jail. A bid was put out for a forty yard open top container refuse service, with pickup occurring twice a week. Three bids were received, and staff recommended approving the lowest bid from Republic Services of Charlottesville to provide refuse service for the jail.

Supervisor Breeden made a motion to enter into a contract with Republic Services of Charlottesville to provide refuse services at the Rockingham County Regional Jail. Supervisor Ritchie seconded the motion.

In response to a question from Supervisor Wolfe-Garrison, Mr. Rhodes said the cost for refuse disposal at the jail is shared equally between the City and the County. Mr. Rhodes stated that he and Sheriff Hutcheson discussed reviewing the contract each year and, if possible, reducing the size of the containers or the number of times refuse is picked up. He noted that the jail does not have more tonnage waste but does have a higher volume of waste due to the disposable products they are using.

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 entering a contract with Republic Services of Charlottesville to provide refuse services at the Rockingham County Regional Jail twice a week.

Chair Chandler noted that he recently attended the Hazardous Household Waste Day at the Landfill for the first time, and he found it to be very organized.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated May 12, 2021.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated May 2021.

Mrs. Perry indicated the Technology Department is in the process of replacing a major piece of technology equipment in the server room, which she mentioned at the April 14, 2021 Board meeting. After extensive work with support, it was determined that the equipment could not be repaired. She said the equipment should arrive in June, and Technology staff is hopeful that the replacement will go smoothly.

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PARKS AND RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated May 3, 2021.

Mr. Dean noted that Beth Bland with Virginia Program for Aging Services (VPAS) informed him that VPAS has not used the room they lease at the Plains District Community Center (PDCC) since 2004, because they found a way to do things more efficiently. Ms. Bland requested that VPAS be released from the contract but indicated VPAS may rent the room periodically. Mr. Dean spoke with Administrator King and Finance Director Davidson, who agreed that was the right thing to do, particularly since they have been paying for use of the room when they seldom use it.

With the general consensus of the Board, the Plains District Community Center will release the Valley Program for Aging Services from their contract for regular use of a room at the Community Center.

Mr. Dean indicated Recreation Department staff would like to ease back into offering short, one-day bus trips. Even though the mask mandate is being lifted, Mr. Dean said he thinks some people will be more comfortable if everyone is required to wear a mask when they are on the bus. He requested that the Board share their comments with him.

Supervisor Wolfe-Garrison asked Mr. Dean if he has trouble finding staff for the summer program. He responded that people constantly tell him their children could be involved, so he believes there will be ample staffing for the summer program.

Mr. Dean provided photos of Kid's Fishing Day held at Massanutten Resort. He reported that the pond was stocked with 3,000 fish, half of which were stocked by Massanutten Resort. The Staunton Eagles donated 27 trophies so that each first, second, and third place winner in all age groups for all three timeframes were given a trophy. He stated that Mathias Smith, Great Eastern Vice President and General Manager, along with other staff from Great Eastern, who attended the event were heavily involved in planning and setting up for Kid's Fishing Day.

The following day, Recreation staff hosted an Area 4 Special Olympics Fishing Day with seven participants, Mr. Dean said.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated May 12, 2021.

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COMMITTEE REPORTS.

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

CHAMBER OF COMMERCE

Supervisor Ritchie noted he suggested to Christopher Quinn, the new President and CEO of the Harrisonburg-Rockingham Chamber of Commerce, that he request to be placed on the Board's agenda so he can introduce himself and re-introduce the Chamber to the Board.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chair Chandler reported that the next CCJB meeting is on June 7, 2021.

Administrator King stated the Crisis Intervention Team (CIT) does an exceptional job in providing an informative program for the County and City, which teaches law enforcement staff how to respond to people who have mental health, or similar, issues. He noted that Rockingham- Harrisonburg CIT Coordinator Kelly Royston appeared before a Congressional Committee to inform them of the benefits of the program.

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (HRRSA)

Mr. Rhodes reported that approximately five candidates will interview for the HRRSA Executive Director position next week.

OTHER

Administrator King asked that the Board of Supervisors (Directors of the Lake Shenandoah Stormwater Control Authority) (LSSCA) correspond with FEMA representatives regarding a FEMA grant application for the Authority. Mr. King indicated Congressman Ben Cline’s office is assisting by moving the grant consideration along. The State staff indicate it is a matter of working through the process, as they are confident that the Authority will receive the grant funds. Administrator King spoke with two of Senator Kaine’s aides at the Valley Rail Trail event in Broadway and provided information about the application.

Chair Chandler said he thought LSSCA would have received approval at the end of 2020. With discussions regarding Federal funds for infrastructure, Administrator King does not think there is a more shovel-ready project. Staff wants to encourage continuation of the process, without placing too much pressure on FEMA, Administrator King said. He noted that since this appears to be a 90-day project, the goal is to have the project funded and built during the prime construction season for earth work.

Supervisor Ritchie indicated he met with Senator Hanger and Senator Kaine, and both of them seem to be in favor of the Rail to Trail project, which will extend from Broadway to Front Royal.

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RECESS.

At 4:04 p.m. Chair Chandler recessed the meeting for dinner until 6:00 p.m.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 6:00 p.m., Chairman Chandler reconvened the meeting and opened the public hearing. Zoning Administrator Getz reviewed the following special use permit requests:

SUP21-073 Joi Gayre, 8668 S. East Side Highway, Elkton, for a small contracting business located on the west side of S. East Side Highway (Route 340) approximately 0.6 mile south of Abiding Lane (Private) in Election District #5. Zoned A2-General Agricultural. Tax Map #154-(A)-L33B.

The applicant was present.

No members of the public spoke concerning the request.

SUP21-047 Jason Kitzmiller, PO Box 232, Mount Storm, WV, for a like-use to an electrical substation located on the south side of Little Dry River Road (Route 818) approximately 7.7 miles west of Brocks Gap Road (Route 259) in Election District 1. Zoned A2-General Agricultural. Tax Map #34-(A)-L3A.

Mr. Getz said the applicant was not in attendance, but Carl Snyder, Director of Civil Engineering from Valley Engineering, was present to represent the applicant.

Since the request indicated the “project is estimated to take approximately two years”, Supervisor Wolfe Garrison asked Mr. Getz: 1) if the applicant would need to apply for another special use permit if he decided to use his land for another use other than what is currently

proposed; 2) if the applicant did not use the land as indicated in the special use permit, would the permit expire; and 3) if the applicant decided to do anything after two years, would the permit have expired and would the applicant need to reapply for a special use permit. Mr. Getz confirmed that all those statements were correct; given those situations the applicant would need to apply for a new special use permit.

Mr. Snyder indicated the applicant will not clear the entire 47-acres, because there is a stream on the property and the County requires a fifty-foot buffer. Mr. Snyder indicated the acreage on the other side of the stream would remain unchanged since it is not conducive for grading. In response to Supervisor Wolfe-Garrison's earlier question regarding what would occur if the applicant did nothing with the property, Mr. Snyder stated he has informed his client that if the land is used for anything other than what is requested in the current special use permit, he would have to appear before the Board and address the special use permit.

Several questions were asked of Mr. Snyder about tree removal, helicopters, and a landing zone. He reiterated that to his knowledge, this lot is only for storage of materials by a contractor. Mr. Snyder indicated his client is a site and grading contractor. The lot will be used by his client's company or, if he does not perform the work, it can be used as storage by another company that may be awarded the job.

Mr. Snyder confirmed for Supervisor Wolfe-Garrison that there will be no buildings on the property except the one used for storage.

No members of the public spoke concerning the proposed request.

SUP21-077 Jackson Dixon, 4300 Captain Yancey Road, Elkton, for an event center and recreation outside a building located on the west side of Captain Yancey Road (Route 642) approximately 2 miles north of Island Ford Road (Route 649) in Election District #5. Zoned A2-General Agricultural. Tax Map #129-(A)-L218.

Mr. Dixon informed the Board that the property was approved by the State for state landmark status. He said having the state and national landmark status adds to the historical nature of the home.

No members of the public spoke concerning the request.

SUP21-091 Pure Shenandoah LLC, 154 West Spotswood Avenue, Elkton, for a like-use to a small contracting business (hemp processing) located on the west side of Samuels Road (Rt. 638) approximately 0.7 mile north of Newtown Road (Rt. 759) in Election District #5. Zoned A2-General Agricultural. Tax Map #115-(A)-L179.

Mr. Getz indicated Pure Shenandoah will process hemp grown on their property and will contract to process hemp grown on other area farms.

Applicant Jake Johnson was present.

No members of the public spoke concerning the request.

At 6:17 p.m., Chair Chandler closed the public hearing to vote on the four special use permit requests.

SUP21-073

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, 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, subject to the following conditions, approved SUP21-073 Joi Gayre, 8668 S. East Side Highway, Elkton, for a small contracting business located on the west side of S. East Side Highway (Route 340) approximately 0.6 mile south of Abiding Lane (Private) in Election District #5. Zoned A2-General Agricultural. Tax Map #154-(A)-L33B.

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.

SUP21-074

On motion by Supervisor Ritchie, 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, subject to the following conditions, approved SUP21-047, Jason Kitzmiller, PO Box 232, Mount Storm, WV, for a like-use to an electrical substation located on the south side of Little Dry River Road (Route 818) approximately 7.7 miles west of Brocks Gap Road (Route 259) in Election District 1. Zoned A2-General Agricultural. Tax Map #34-(A)-L3A.

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.

SUP21-077

Supervisor Breeden indicated the property along Captain Yancey Road is unique. He said that after the flood in 1985 it looked like it would be gone, but the work performed by the Dixon family preserved the historical house.

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, 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, subject to the following conditions, approved SUP21-077, Jackson Dixon, 4300 Captain Yancey Road, Elkton, for an event center and recreation outside a building located on the west side of Captain Yancey Road (Route 642) approximately 2 miles north of Island Ford Road (Route 649) in Election District #5. Zoned A2-General Agricultural. Tax Map #129-(A)-L218.

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. Outdoor recreation would be limited to river access.

SUP21-091

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, 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, subject to the following conditions, approved SUP21-091, Pure Shenandoah LLC,

154 West Spotswood Avenue, Elkton, for a like-use to a small contracting business (hemp processing) located on the west side of Samuels Road (Rt. 638) approximately 0.7 mile north of Newtown Road (Rt. 759) in Election District #5. Zoned A2-General Agricultural. Tax Map #115-(A)-L179.

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.

RECESS.

At 6:20 p.m., Chair Chandler recessed the meeting so the citizens attending regarding the four special use permit requests that had been addressed could leave.

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RECONVENE.

At 6:22 p.m., Chair Chandler reconvened the meeting and opened the public hearing for SUP21-068, Rivers Edge Campground, LLC. Zoning Administrator Getz reviewed the special use permit request:

SUP21-068 Rivers Edge Campground, LLC, 5725 Branch Point Road, Dayton, for a recreational campground located on the west side of Brocks Gap Road (Route 259) and on the south side of Bergton Road (Route 820) in Election District 1. Zoned A2-General Agricultural. Tax Map #10-(A)-L72C & 17-(A)-L4A.

Mr. Getz said the request is for a proposed recreational campground, which will accommodate campers, RVs, tents, and primitive camp sites.

Applicant Steven Williamson was present. Mr. Williamson said he and his wife, Miranda, want to open a small recreational campground on a 250-acre parcel of property in the Fulks Run/Bergton area, that is currently farming and mountain land. Although 250 acres sounds like a large tract of land, Mr. Williamson stated they do not intend to build a massive campground. They plan to initially create 50 RV sites with water and electric hookups, which will be approximately 60 feet by 40 feet. The remaining property will have walking and biking paths, river and pond fishing areas, picnic areas, playgrounds, family-friendly outdoor games, and a dog park.

Mr. Williamson said they hope to build picnic shelters for family reunions and church gatherings, as well as for fieldtrips for schools and nursing homes. Mr. Williamson indicated this is an opportunity for people to enjoy an amazing piece of property, and he and his wife hope the campground will bring revenue to the County.

Mr. Williamson noted Brocks Gap Road (Route 259) has caused apprehension. Since he and his wife are concerned about the safety of campers and others who travel on Brocks Gap Road, they communicated with VDOT about the construction of a commercial entrance that will provide ample stopping distance for vehicles. The Williamsons will also request signs be posted to inform motorists of the upcoming entrance, to provide safety for campers and other travelers.

Mr. Williams indicated the campground will have a quiet time at night, and since the RV sites will have electricity, there will not be noise from campers using generators. Numbers will be posted to call for any after-hour problems, he said.

Mr. Williamson indicated the campground will require yearly inspections from the Health Department, and he plans to apply for grants from the United States Department of Agriculture (USDA).

Since the proposed property is located in the flood plain, Mr. Williamson said he plans to contact the Army Corps of Engineers to learn more about the rules and regulations regarding waterways. He noted they will also abide by state campground rules and regulations, as well as insurance companies requiring signs along the property for the safety of campers and the privacy of neighbors. Areas will be marked off so campers cannot wander onto private property and they plan to create buffer zones between the campground and their neighbors.

Mr. Williamson said residents near the property expressed concern that a campground would turn Bergton into a small business town. He noted the campground will be a small business, but it will not create unnecessary chaos for nearby residents. The quiet setting of the campground will allow an opportunity for people to relax while they enjoy nature.

Mr. Williamson indicated they considered a future expansion to include primitive cabins, but they have changed their minds because a bridge would need to be built to cross the river, or people renting the cabins would have to access the cabins from Blue Hole Road, where they may get lost.

In response to Supervisor Ritchie's question about what VDOT and the applicant worked out for the entrance, Mr. Williamson noted the proposed entrance meets VDOT requirements. VDOT expressed concern about traffic into Route 259 or backing up at the check-in station. A vehicle traveling east around the curve on Brocks Gap Road. VDOT suggested the entrance be moved about 180 feet toward the Bergton cut-off. A commercial entrance will be required with curb and gutter.

Supervisor Ritchie asked if they are planning to have horse trails. Mr. Williamson said he initially discussed horse trails but decided against them due to the liability and manure runoff going into the river. There will be trails for walking. He noted dirt bikes and four-wheelers will not be permitted, and any vehicle on the property must be electric to eliminate noise.

Supervisor Ritchie asked if someone would be on the property at all times. Mr. Williamson indicated his wife's full-time job will be running the campground and she will be there during the day. He plans to be there on the weekends, and he hopes to hire a local citizen to perform maintenance, mow, and help with noise complaints, if there are any.

Supervisor Wolfe-Garrison asked if the purchase of the property from the current owner hinges on the Williamson's obtaining a special use permit. Mr. Williamson confirmed that if the special use permit is not approved, the contract with the current owner will dissolve.

Josh Wanger stated he is not a Bergton resident or landowner, but said he grew up in and still lives in the County. Mr. Wanger noted the Williamson's are distant family members. When Mr. Wanger learned there was opposition to the campground, he circulated a petition, consisting of 1,820 signatures of support, which he provided to Supervisor Ritchie.

Bill Holtzman stated he is in favor of the request because the campground will be good for businesses in the Bergton area and Rockingham County.

Mary Bendfeldt, a teacher in the Harrisonburg City Public Schools and resident of Mt. Clinton, stated she has worked with Miranda Williamson for years. Mrs. Bendfeldt is a camper, but she and her husband have a difficult time finding a quiet place to camp. The Williamsons love peace and quiet and would provide a campground where that would be very important, Mrs. Bendfeldt said.

Bernhardt Jedamski, who has owned the property proposed for the campground since 1993 indicated the property is too far for him to drive from his home to farm. Mr. Jedamski noted a campground is a good use for the property.

Diane Cox said she and her husband will be impacted the most by the campground. However, they have talked with the Williamsons and are happy they have taken an interest to keep the integrity of the property. Mr. and Mrs. Cox trust the Williamsons will do what they say and provide campers with an opportunity to enjoy the countryside and wildlife. She and

her husband appreciate the lengths the Williamsons have gone to in order to make the campground comfortable for neighbors with as little disruption as possible.

Supervisor Ritchie confirmed with Mrs. Cox that they are the closest property owners to the proposed campground and asked them what the distance is from their property to the proposed campsites. She indicated the distance is about 400 feet. Mrs. Cox said she was concerned about security, but the Williamsons have quelled those concerns and said they will control the noise level.

Supervisor Wolfe-Garrison asked for confirmation of the distance between the Cox's driveway and the campground entrance VDOT recommended. Mr. Williamson said there will be about 850 feet between the entrances. Mrs. Cox also indicated she would like the speed limit reduced east of the campground.

In response to a question from Chair Chandler, Mr. Getz said the extra buffer is being offered as a condition. Mr. Williamson reiterated that the property is currently heavily wooded with a significant number of trees, but they will plant additional trees and wildflowers.

Harlie Easter expressed opposition to the special use permit request because the proposed campground borders 90 percent of his property. He does not want people on his property and is concerned about the sewer system. Mr. Easter said if the County approves the special use permit, he will have the river checked every six months because sewer kills the fish. He said if the campground is moved where there are already people, he would not have a problem.

When Supervisor Ritchie asked Mr. Easter how close the proposed campground is to his house, Mr. Easter responded that he does not live there, but stated that since the future growth for the campground is moving south, he could be very close.

In looking at a site plan, Mr. Getz estimated the distance was several hundred feet.

David Brotman, Executive Director of the Friends of the North Fork of the Shenandoah River, indicated his job is to watch out for the river and its tributaries, and noted the group has a few conservation concerns about the application. The bulk of the site plan is staged within the floodplain of the North Fork, and Mr. Brotman said the building and maintenance of the campground on this property would place a lot of responsibility on the campground owners. He said erosion will be an issue as patrons explore the property. The erosion may only be unattractive, or it might lead to added costs such as road and trail maintenance, and flood control, he said. Mr. Brotman went on to say the resulting sediments will damage the fish population and the insects on which they feed.

On behalf of the Friends of the North Fork, Mr. Brotman indicated he is glad the applicants do not plan to allow dirt bikes or four-wheelers on the campground property and said stating this in a permit will codify restrictions if the property is sold. He stated there is also the matter of wastewater.

Mr. Brotman said if the County issues the special use permit and the applicants show their commitment to sustain the business and the resources, Friends of the North Fork will implore the County to ensure the highest standards are applied to protect the river, fish, and people downstream from wastewater damages. He said the question will be how to best support the efforts of the owners, the river, and resources of the citizens of Bergton, Fulks Run and farther down the river.

Mr. Brotman closed by offering two recommendations:

- 1) If the Williamsons are granted the permit, Friends of the North Fork will encourage them to continue working with the NRCS for advice on plantings that will help the soil, the water, and wildlife conservation; and 2) strongly encourage the Williamsons to explore options for conservation easements on a portion of the property in exchange for tax credits that may be available to them.

Harlie Easter, III said he and his father, who spoke earlier, own the land south and west of the proposed campground. Mr. Easter said he can sit in his tree stand by the river and see where Mr. Williamson plans to build a pavilion, so he will no longer be able to hunt in that area. As a safe hunter, he cannot hunt at the top of the ridge looking down on the campground. The only building on their property is a small shed in an upper field, which is there for one reason – hunting. He said the campground will take away some of the use of his property.

James Baker, a resident of Fulks Run, noted he heard a lot of comments from the applicant that reassured him. He told the Board that all the positive things he heard the applicant pledge to do should be put in writing and included as a condition to control what happens on the property if there are issues in the future. Mr. Baker said he lives nearby but does not live within sight of the proposed campground. Mr. Baker asked the Board to make sure, if the permit is approved, that the conditions are strong and can be used in the future if there are problems.

Chris Lantz, a James Madison University Biology Professor who lives in Penn Laird, said he was attending because he was raised in Bergton, is currently part owner of property in Bergton, and his brother lives about a half mile from the campground. Mr. Lantz asked for denial of the campground as he does not see any benefit to the Bergton community and thinks a campground will scar the beauty of the land.

In speaking with Bergton residents, Mr. Lantz noted they are concerned about trespassing on nearby properties, vandalism and campground visitors using drugs at the campground. He stated all the citizens he spoke with from Bergton were opposed.

Mr. Lantz mentioned several concerns that were previously discussed, and indicated he witnessed a lot of floods growing up in the Bergton area, and he recalled three to four feet of water running through that area a number of years ago.

Mr. Lantz said the Williamsons indicated they would stay open through November, but he questioned if there is anything to keep them from staying open year-round. His father lives in that area and he visits a lot but said he does not recall seeing a police presence in that area.

Cassie Funk is an adjoining landowner and has spent many hours visiting with her neighbors and others in her community regarding the campground. She said she was speaking for the majority of the Bergton residents, who indicate the campground is not something they need or want to see in Bergton.

Ms. Funk indicated the campground entrance is a major concern because Route 259 is already a deadly road. She knows a lower speed limit was suggested, but said without constant police presence in the area, are unlikely to see a change. She also stressed that there are many 18-wheelers traveling on Route 259. Ms. Funk noted the campground is in the flood plain and stated that unless people have experienced a flood, they have no idea how treacherous a flood can be. She indicated that in 2018, many people were stuck in Bergton and had to be rescued because the bridge at Blue Hole and the road in front of the old Bergton Grocery was inaccessible. Campers at Highland Retreat needed to be rescued, but the Bergton Volunteer Fire and Rescue had no way to get to them.

Ms. Funk said growing up in Bergton she has seen how drastic the river and riverbanks are changing with each major storm and the riverbanks are not high enough to handle the river when it floods. She thinks constructing a campground in the floodplain provides more of a chance for extra bacteria to seep into the North Fork, affecting the river and the animals that use and live in those waters.

Ms. Funk asked what will happen when there are 200 to 250 extra people in Bergton on a regular basis, with little or no police, fire, or rescue squad presence. She stated the Bergton Volunteer Rescue Squad rarely goes on calls because there are so few volunteers. For any medical assistance or if a campfire gets out of control, it will take 20 minutes for the Broadway Rescue Squad, Police, or Fire Department to respond, she said.

Ms. Funk raised security concerns with so many people from out of the area visiting the campground. She questioned whether there will be enough employees to manage the entire

property, and whether they will be trained in law enforcement or emergency aid so they can manage a law enforcement issue or a medical emergency until someone else arrives from Broadway.

Ms. Funk stated Bergton and its citizens will see very little revenue from the campground, and she noted the Williamsons do not reside in Bergton.

On behalf of the Bergton community, Ms. Funk asked the Board to deny the special use permit for the campground.

Michael McDonald said he and his wife are landowners next to the proposed campground, which he indicated has a potential for 100 campers, and potentially 300 to 400 people at the campground on weekends. He wonders what will happen to the property values in the area and noted Mr. Holtzman and the current owner of the proposed campground property will benefit financially. Mr. McDonald thinks a small portion of the 1,800 signatures in support of the campground were Bergton residents. He closed by asking the Board to consider whether they would want a campground in their backyard.

At 7:33 p.m., Chair Chandler closed the public hearing.

Supervisor Ritchie indicated public safety is the number one issue for him and said he needs to obtain more information about what can be done to make the ingress and egress at the proposed campground safer.

Supervisor Ritchie made a motion, seconded by Supervisor Breeden, to table SUP21-068 for Rivers Edge Campground, LLC, until the ingress and egress from Route 259 can be addressed completely to a satisfaction that is safe.

Chair Chandler informed Supervisor Ritchie that since the request is in his district, it will be up to him to decide when to remove the special use permit request from the table.

Supervisor Ritchie said notices will be sent to adjoining property owners two weeks before he removes the request from the table.

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ADJOURN.

Chair Chandler declared the meeting adjourned at 7:37 p.m.

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Chair