

May 26, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 26, 2021, at 6:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

The following members were present:

DEWEY L. RITCHIE, Election District #1  
SALLIE WOLFE-GARRISON, Election District #2  
RICK L. CHANDLER, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
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  
BRADFORD R. R. DYJAK, Director of Planning  
PHILIP S. RHODES, Director of Public Works  
PATRICK C. WILCOX, Senior Planner  
TAMELA S. GRAY, Deputy Clerk  
DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation  
DAVID ATWOOD, Area Land Use Engineer,  
Virginia Department of Transportation

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**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION.**

Chair Chandler called the meeting to order at 6:02 p.m.

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

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**APPROVAL OF MINUTES.**

Supervisor Ritchie requested a correction to the May 12, 2021, minutes on page 9, third paragraph under OTHER. He noted the paragraph currently reads as if it is referring to the two previous paragraphs regarding the Lake Shenandoah Stormwater Control Authority, but Supervisor Ritchie indicated the third paragraph refers to the Rail to Trail event.

On motion by Supervisor Breeden, seconded by Supervisor Ritchie, and carried by a vote of 4 to 0 to 1, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSTAIN; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of May 12, 2021, with the following correction to the third paragraph under OTHER on page 9:

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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**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.

Maintenance items included stabilizing a rock slope at the Community Center Road (Route 731) bridge in Briery Branch, mowing primary roads, and scratching asphalt.

Supervisor Wolfe-Garrison informed Mr. Komara that there is a pothole on Mt. Clinton Pike (763) in the eastbound lane, just outside of the Harrisonburg City limits.

Supervisor Ritchie asked Mr. Komara to explain what is transpiring with special use permit request SUP21-068, Rivers Edge Campground, LLC regarding moving the entrance. Mr. Komara noted that VDOT is taking a second look at the entrance. VDOT would prefer that the campground entrance be from Bergton Road (Route 820) since there is a large volume of traffic traveling at a high speed on Brocks Gap Road (Route 259). Mr. Komara thinks VDOT, or the applicant will require a moderate entrance that will need to be wider and paved back farther.

In response to Supervisor Ritchie's questions regarding the proposed entrance, David Atwood said VDOT will require that the entrance to the campground be moved 180 feet west, and Mr. Komara indicated Brocks Gap Road will taper, with a wider radius from Brocks Gap Road to the entrance of the campground.

Supervisor Kyger extended appreciation to VDOT staff for mowing along the gateway to the southern part of the County and requested VDOT staff make note of upcoming lawn parties and other events, to ensure they mow and keep the entrances clean for visitors.

Chair Chandler expressed appreciation for VDOT cutting the grass at intersections to improve visibility for motorists.

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**PUBLIC HEARING: 2021-2022 THROUGH 2026-2027 SIX-YEAR IMPROVEMENT PLAN.**

At 6:12 p.m., Chair Chandler opened the public hearing regarding VDOT's Secondary Six-Year Plan for Fiscal Years 2021-2022 through 2026-2027 for the County, and the proposed Secondary System Construction Budget for Fiscal Year 2021-2022.

Mr. Komara noted the County will receive \$977,544 this year. He mentioned that ten years ago or less, the County received five or six million dollars per year. Mr. Komara indicated more money goes toward Smart Scale funding, with the majority of the funds used for gravel roads. He stated that previously 50 vehicles needed to travel on a road daily in order for it to be hard surfaced, and a 50-foot right-of-way is required to pave a road.

Now, roads can be built under a rural-rustic concept, so they are built on the 30-foot prescriptive right of way. Mr. Komara stated that once a road is paved, motorists tend to travel at a higher speed on that road.

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Mr. Komara reviewed the road projects included in the Construction Program Estimated Allocations for the Secondary System in detail, providing the status of roads under construction. Some primary roads were included in the Plan, which Mr. Komara attributes to the fact that they connect to a secondary road.

Mr. Komara asked the Board members to contact him if there is a road in their district that they would like VDOT to consider hard surfacing.

Supervisor Kyger noted that he did not see Lady Bug Road (Route 749) listed on the Plan. Mr. Komara responded that Lady Bug Road does not carry enough traffic to qualify for paving.

No citizens were present to speak regarding VDOT’s Secondary Road Six-Year Improvement Plan.

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At 6:32 p.m., Chair Chandler closed the public hearing and reconvened the regular meeting.

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On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board accepted the Secondary System Construction Program Estimated Allocations report as follows:

Secondary System  
Rockingham County  
Construction Program  
Estimated Allocations

Fund	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	Total
TeleFee	\$231,520	\$231,520	\$231,520	\$231,520	\$231,520	\$231,520	\$1,389,120
District Grant - Unpaved	\$746,024	\$990,446	\$862,679	\$862,679	\$934,105	\$934,105	\$5,330,038
Total	\$977,544	\$1,221,966	\$1,094,199	\$1,094,199	\$1,165,625	\$1,165,625	\$6,719,158

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Mr. Komara announced that Virginia Secretary of Transportation Shannon Valentine, an advocate for “No Litter”, requested that VDOT staff and citizens across the Commonwealth celebrate Transportation Day on May 27, 2021, by walking and picking up litter on a multi-use trail in their area.

Mr. Komara said the district chose to gather trash along the Port Republic Road multi-use trail across from the Sentara RMH Medical Center. Mr. Komara noted VDOT staff and citizens could meet at Hose Company No. 4 to pick up trash. In celebration of Transportation Day, refreshments would be provided to participants, Mr. Komara said.

Mr. Komara encouraged citizens to visit the VDOT website and complete the Valley Rails to Trails questionnaire, especially the section regarding the Rails to Trails from Broadway to Front Royal.

Mr. Komara indicated this is a good time to discuss Transportation Alternatives Program (TAP) grants and Revenue Sharing. While he was traveling on Ottobine Road (Route 257) recently, Mr. Komara passed 16 buggies and six bicyclists. He suggested Ottobine Road may be a good location for a TAP grant.

Mr. Komara and Supervisor Kyger recently discussed rural additions in the six-year plan. Mr. Komara said that when rural additions were first taken into the state system, citizens offered to fund some of the cost, which could be achieved through revenue sharing.

Mr. Komara noted there are opportunities available and now is a good time to include projects in the Six-Year Plan. The County could change their mind if a better project came along later. Mr. Komara stated if the County does not request a project during the first draft of the Six-Year Plan, it will lose the opportunity to request a project later.

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**ADOPTION OF THE CENTRAL SHENANDOAH HAZARD MITIGATION PLAN.**

Administrator King said the Central Shenandoah Planning District Commission (CSPDC) requests that localities adopt a Resolution entitled *Adoption of the Central Shenandoah Hazard Mitigation Plan 2020 Update*. Administrator King indicated the Resolution has to be readopted periodically, so the County is in a good position to access state funds.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following resolution:

**RESOLUTION**

**Adoption of the Central Shenandoah Hazard Mitigation Plan 2020 Update**

WHEREAS, the Board of Supervisors of the County of Rockingham recognizes the threat that natural and man-made hazards pose to people within the County of Rockingham, and

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance and update these plans; and

WHEREAS, the Central Shenandoah Hazard Mitigation Plan (CSHMP) identifies mitigation strategies to reduce or eliminate long-term risk to people and property in our community and in the Central Shenandoah Region from the impacts of future hazards and disasters; and

WHEREAS, the CSHMP Steering Committee representing the 21 local jurisdictions of the Central Shenandoah Planning District convened in order to review the original Plan and study the Region’s risks from and vulnerability to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Region; and

WHEREAS, the Steering Committee was provided staff support by the Central Shenandoah Planning District Commission; and

WHEREAS, the efforts of the Steering Committee, the staff of the Central Shenandoah Planning District Commission, as well as members of the public, private, and nonprofit sectors, have resulted in the development of the 2020 Update of the Central Shenandoah Hazard Mitigation Plan for the Region; and

WHEREAS, the Central Shenandoah Regional Wildfire Community Protection Plan (CSRWPP) is an annex to the Central Shenandoah Hazard Mitigation Plan and is included in this resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Rockingham that the Central Shenandoah Hazard Mitigation Plan 2020 Update is hereby approved and adopted for the County of Rockingham.

Adopted by the Board of Supervisors of the County of Rockingham, this 26th day of May 2021.

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**COUNTY ADMINISTRATOR’S STAFF REPORT.**

Administrator King indicated he and Attorney Miller will return to their seats at the dais on June 9, 2021. He said the Board will need to decide how long to continue broadcasting Board meetings virtually. Administrator King stated the technology will be available in the Board room so consultants or speakers out of the area can participate without traveling a long distance. He noted technology staff may be able to broadcast the meeting remotely or another staff member who regularly attends the meetings could operate the equipment, but the expectation will not be that the broadcasting equipment will automatically be available.

Supervisor Ritchie recommended that the Board discontinue regularly broadcasting Board meetings. By consensus of the Board, Board meetings will not be broadcast regularly, effective July 1, 2021.

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**COUNTY ATTORNEY’S STAFF REPORT.**

County Attorney Miller provided Board members a copy of “Resolution to Authorize the County Director of Elections to Seek a Waiver from the Virginia Department of Elections to Administer an Existing Split Precinct for Elections Held in 2021”. He explained that new legislation in Section 24.2-307 of the Virginia State Code sets June 15, 2021, as the date for local election districts to be consistent with the congressional, senate and house of delegates districts.

Attorney Miller indicated the County currently has one split precinct in the Town of Bridgewater, which needs to remain a split precinct for elections held in 2021. The split precinct cannot be corrected because the census has not been completed due to the COVID-19 pandemic.

Mr. Miller noted the proposed resolution requires adoption in order for the County Registrar to request a waiver to have a split precinct for another year.

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 adopted the following resolution requesting a waiver for a split precinct:

**RESOLUTION  
TO AUTHORIZE THE COUNTY DIRECTOR OF ELECTIONS  
TO SEEK A WAIVER FROM THE  
VIRGINIA DEPARTMENT OF ELECTIONS  
TO ADMINISTER AN EXISTING SPLIT PRECINCT  
FOR ELECTIONS HELD IN 2021**

WHEREAS, Section 24.2-307 of the Code of Virginia, 1950, as amended (the Code) mandates that “in each year ending in one, the governing body of each county... shall establish the precinct boundaries to be consistent with any congressional district, senate district, house of delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year”, and;

WHEREAS, the Director of Elections of Rockingham County, Virginia, has advised the Board of Supervisors of Rockingham County (the Board) that Rockingham County has one split precinct, namely, 401 West Bridgewater, which is split between the 25<sup>th</sup> and 26<sup>th</sup> House of Delegates Districts, and;

WHEREAS, due to the Covid-19 pandemic, the 2020 census data has not been received by Rockingham County as needed to initiate the decennial analysis required by the Virginia Constitution and the Code for adjustments of the boundaries of local election districts and precincts as necessitated by population changes, and which would include reconfiguration of precinct boundaries as required by Code Section 24.2-307, and;

WHEREAS, Code Section 24.2-306 prohibits the making of changes in any local election district, precinct, or polling place within 60 days next preceding any general election, and;

WHEREAS, under the foregoing circumstances, it will most likely be impossible for Rockingham County to meet the requirements of Code Sections 24.2-306 and -307, and;

WHEREAS, Code Section 24.2-307 provides that if a local governing body is unable to establish a precinct that meets the statutory requirements, such governing body shall apply to the State Board of Elections for a waiver to administer a split precinct in the elections to be held in that year.

NOW, THEREFORE, IT IS RESOLVED, that the Board of Supervisors of Rockingham County, Virginia, does hereby authorize the Rockingham County Director of Elections to submit a request for waiver to the State Board of Elections pursuant to Code Section 24.2-307 to administer the 401 West Bridgewater Precinct as a split precinct for any election held in 2021, and;

BE IT FURTHER RESOLVED, that all recitals set forth above are incorporated as a part of this Resolution.

Adopted by the Board of Supervisors of Rockingham County, Virginia, this 26th day of May 2021.

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Mr. Miller reported that currently, if the Commissioner of the Revenue erroneously assessed taxes that have been paid, the Commissioner of the Revenue or the Treasurer is required to obtain Board approval to process tax refunds over \$2,500.

Virginia State Code §58.1-3981. *Correction by commissioner or other official performing his duties*, was amended, allowing the Commissioner of the Revenue or the Treasurer to process tax refunds up to \$5,000, without Board approval.

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0 , voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized the Commissioner of the Revenue or Treasurer to process tax refunds up to \$5,000, without Board approval. Refunds over \$5,000 require Board approval.

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

The Board received and reviewed Mr. Armstrong’s staff report dated May 26, 2021.

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**FINANCE DIRECTOR’S STAFF REPORT.**

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board declared the following items surplus to be disposed of through the public surplus auction:

**Items to Declare Surplus – June 2021**

Description	Quantity
1999 Plymouth Grand Voyager	1
2001 Dodge Intrepid	1
1998 Dodge Stratus	2
1998 Chevrolet Cavalier	1
1998 Eager Beaver Lowboy Trailer	1
1984 Eller Trailer	1
2008 Chevrolet 2500 HD 4x4	1
1979 GMC Sierra 7000	1
2002 Ford Taurus	1
2013 Ford Taurus	3
2010 Ford Explorer	1
2007 Ford Explorer	1
2004 Ford E350	1
2000 Jeep Cherokee	2
2002 Isuzu Trooper	1

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

Mr. Rhodes did not provide a written report, but he informed the Board that the lagoon liner repairs were completed earlier in the day.

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

The Board received and reviewed Ms. Cooper's staff report dated May 26, 2021.

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**COMMITTEE REPORTS.**

The Board heard the following committee reports:

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chair Chandler reported that the CCJB will meet on June 7, 2021.

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (HRRSA)

Mr. Rhodes noted final interviews with three candidates for the HRRSA Executive Director position will be conducted on June 1, 2021. The HRRSA hopes to make a recommendation in the next two or three weeks, he said.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison indicated the library will interview prospective candidates for the Director's position on June 16, 2021.

SOCIAL SERVICES

Supervisor Breeden noted that the Social Services Committee will meet May 27, 2021.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reported that the National Association of Counties (NACo) Annual Conference will be available in-person and virtually on July 16-19, 2021, in Prince George's County, Maryland.

Supervisor Kyger announced the VACo summer meetings will be held in-person on August 19-20, 2021, in Richmond.

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**COMMITTEE APPOINTMENT.**

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 appointed Kelly Blosser to the Blue Ridge Community College Board for a term to expire June 30, 2025.

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**RECESS.**

At 6:54 p.m., Chair Chandler called a short recess before the public hearing.

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**PUBLIC HEARING – REZONING.**

At 7:00 p.m., Chair Chandler opened the public hearing and Mr. Wilcox reviewed the following rezoning request:

REZ21-064 K & K Enterprises, LLC c/o Phil Landes. Request to rezone 0.325 acres from R-2 (Medium Density Residential) to B-1 (General Business). Undeveloped parcel behind 1880 Harpine Highway. TM # 94B-(1)- L14. Election District 2.

Mr. Wilcox informed the Board that the parcel has no road frontage, is landlocked, and proffers were not provided. Mr. Wilcox noted that both K & K Enterprises, LLC and the Kreider Four Seasons Equipment property share common ownership, represented by Operations Manager Phil Landes. Mr. Wilcox’s understanding is that the proposed property will be used in conjunction with Kreider Four Seasons Equipment.

Mr. Wilcox reported the only opposition expressed was a letter from an adjoining landowner, a copy of which was included in the Board’s packet. Mr. Wilcox said minimal impact on public services and the surrounding neighborhood is expected.

In response to a question from Supervisor Wolfe-Garrison, Mr. Wilcox confirmed the applicant chose not to limit the allowable uses on the parcel through proffered conditions.

Mr. Wilcox indicated the small size and location of the parcel, which is surrounded by a residential neighborhood, are natural limitations of certain uses, but all uses permitted by right in the Zoning Code would be allowable if it is approved without proffers, he said. Mr. Wilcox stated while there are no use restrictions, the landlocked property does not provide the applicant many options for commercial development and the parcel adjoins B-1 parcels without proffered conditions.

Supervisor Ritchie asked if the applicant indicated why they wanted to rezone the property. Mr. Wilcox said the applicant wants to use the parcel with the existing Kreider Four Seasons operation and may want to erect a building, which would not be permitted under the existing R-2 zoning designation.

As Operations Manager of Kreider Four Seasons Equipment, Inc., Phil Landes stated he represents K & K Enterprises, owner of both the parcel in the rezoning request and the business. Kreider Four Seasons Equipment was established in 2007 at its current location, with 4 employees, he said. Mr. Landes wants to expand the retail business that at its currently began at the machine with 4 employees, which currently has 12 employees. He noted the footprint of the property limits the equipment they can service. Kreider Four Seasons is struggling for space to house customers’ equipment and set up new equipment, he said. Mr. Landes noted that the house south of the machine shop would need to be purchased as an alternative expansion plan; the parcel in the rezoning request is to the east and is already owned by K & K Enterprises.

Mr. Landes indicated their long-term plans are unknown, but he understands they will likely be limited, due to the size of the property. He believes the impact on neighbors will be minimal.

Supervisor Wolfe-Garrison clarified that a showroom would not be proposed on this parcel, because the business would need a high level of water and sewer. Mr. Landes indicated the building will probably be a one-story storage building to house equipment, and Supervisor Wolfe-Garrison confirmed that delivery trucks will not be parked on the parcel.

Staff recommended approval on April 28, 2021, and the Planning Commission recommended approval by a 5-0 vote on May 4, 2021, citing that the parcel is located within an Urban Growth Area, would form a logical extension of the existing adjoining B-1 district,

has access to public utilities, and is expected to have minimal impact on the surrounding neighborhood.

No one from the public spoke regarding the rezoning request.

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At 7:11 p.m., Chair Chandler closed the public hearing.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE, the Board approved REZ21-064, K & K Enterprises, LLC c/o Phil Landes to rezone 0.325 acres from R-2 (Medium Density Residential) to B-1 (General Business). Undeveloped parcel behind 1880 Harpine Highway. TM # 94B-(1)- L14. Election District 2.

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**ADJOURN.**

Chair Chandler declared the meeting adjourned at 7:12 p.m.

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Chair