

June 24, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 24, 2020, at 6:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia. The meeting was conducted in accordance with modifications to normal processes, to reduce the spread of COVID-19. The meeting was open to the public at reduced capacity under Phase Two of Governor Northam’s Executive Order, and broadcast online.

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:

- 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
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Deputy Zoning Administrator
- PATRICK C. WILCOX, Senior Planner
- JESSICA G. KILBY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator  
Virginia Department of Transportation

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

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

Chairman Kyger provided the invocation, and Community Development Director Cooper led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

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 approved the minutes of the regular meeting of June 10, 2020.

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**PUBLIC HEARING - FISCAL YEAR 2019-2020 BUDGET AMENDMENTS.**

Chairman Kyger opened the public hearing at 6:02 p.m., to receive public comment concerning a budget amendment exceeding one percent of the total fiscal year 2020 budget.

Finance Director Davidson reviewed the five changes within the General Fund and discussed the details of the Coronavirus Aid Relief and Economic Security (CARES) Act funding the County received related to the COVID-19 pandemic. All details were advertised with the public hearing notice.

No members of the public spoke regarding the proposed budget amendments.

Chairman Kyger closed the public hearing at 6:06 p.m.

On behalf of the Finance Committee, on motion by Supervisor Breedon, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDON – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Fiscal Year 2019-2020 Budget Amendments and Supplemental Appropriations:

**GENERAL FUND BUDGET  
FY 2019-20**

	<b>Adopted</b>	<b>Amended</b>
<b>Revenue:</b>		
Local Revenue	\$ 117,446,919	\$ 117,892,633
State Revenue	\$ 17,799,152	\$ 17,949,621
Federal Revenue	\$ 911,015	\$ 1,311,015
Debt Proceeds	\$ 0	\$ 27,784,992
Transfer	\$ 0	\$ 0
Fund Reserve	<u>\$ 1,569,429</u>	<u>\$ 3,625,717</u>
Total Revenue	\$ 137,726,515	\$ 168,563,978
<b>Expenditure:</b>		
General Gov't	\$ 6,800,678	\$ 6,981,351
Judicial	\$ 4,595,951	\$ 5,288,184
Public Safety	\$ 31,720,583	\$ 32,815,757
Public Works	\$ 2,695,245	\$ 3,046,249
Human Services	\$ 2,585,524	\$ 8,642,265
Recreation	\$ 2,872,718	\$ 2,882,326
Community Dev	\$ 2,963,652	\$ 3,305,107
Other	\$ 1,027,492	\$ 777,808
Transfers	\$ 70,213,601	\$ 92,406,906
Debt Service	<u>\$ 12,251,071</u>	<u>\$ 12,418,025</u>
Total Expenditures	\$ 137,726,515	\$ 168,563,978

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**Coronavirus Aid Relief and Economic Security Act (CARES)**

The U.S. Department of Treasury guidance allows the CARES Act funds to be used for expenses associated with the provision of economic support in relation to the COVID-19 public health emergency. Funds will be used to assist small businesses within Rockingham County, the seven towns located within the County, the school system, the purchase of personal protective equipment, and the purchase of rescue equipment in order to respond to COVID-related emergency calls in a timely manner, and to support testing sites and vaccination sites in the future.

**CARES FUND BUDGET  
FY 2019-20**

	<b>Adopted</b>	<b>Amended</b>
<b>Revenue:</b>		
Federal Revenue	\$ 0	\$ 7,149,647
<b>Expenditure:</b>		
CARES	\$ 0	\$ 7,149,647

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**Coronavirus Aid Relief and Economic Security (CARES) Act**

A supplemental appropriation of \$7,149,647 for the Coronavirus Aid Relief and Economic Security (CARES) Act. The U.S. Department of Treasury guidance allows the CARES Act funds to be used for expenses associated with the provision of economic support in relation to the COVID-19 public health emergency. Staff developed a plan to distribute the funds as follows. Any unused funds in FY20 will automatically carry forward into FY21 and must be spent by December 30, 2020.

Supplemental Appropriation: \$7,149,647

\$7,149,647	GL Code: 1213-00000-13900-000-339520-000	CARES: Revenue
7		
\$3,526,667	GL Code: 1213-03205-00000-000-501100-000	CARES: F&R Salaries
7		
\$1,000,000	GL Code: 1213-03205-00000-000-508005-000	CARES: Major Equipment
0		
\$500,000	GL Code: 1213-03210-00000-000-509533-000	CARES: Transfer to EDA
\$20,000	GL Code: 1213-03210-00000-000-503107-000	CARES: Support for Rec Program
\$1,037,095	GL Code: 1213-03220-00000-000-506014-000	CARES: School Expenditures
5		
\$1,065,885	GL Code: 1213-03210-00000-000-505699-000	CARES: Town Support
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**School VPSA Loan for Fulks Run and John C. Myers Elementary Schools**

A supplemental appropriation of \$21,001,755 for the bond proceeds received for Phase II of the School renovation projects at Fulks Run and John C. Myers Elementary Schools.

Supplemental Appropriation: \$21,001,755

\$21,001,755	GL Code: 2103-00000-25101-000-400090-000	School Capital Projects Fund: Transfer from General Fund
(\$21,001,755)	GL Code: 2103-00000-25201-000-400091-000	School Capital Projects Fund: Fund Reserve
)		
\$21,001,755	GL Code: 1001-09301-00000-000-509513-000	General Fund: Transfer to School Capital Projects
\$18,675,000	GL Code: 1001-00000-14104-000-341200-000	General Fund: Bond Proceeds
\$2,326,755	GL Code: 1001-00000-14104-000-341220-000	General Fund: Bond Premium

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**County Debt Service – Port Road**

A supplemental appropriation of \$50,000 for the first interest payment required on the Port Road Fire and Rescue Station debt. The first payment was not budgeted in fiscal year 2020. Also, school fees on debt service increased by \$325.

Supplemental Appropriation: \$50,325

\$50,000	GL Code: 1001-09501-00000-000-509215-000	County Debt Service: Port Road Interest
\$325	GL Code: 1001-09502-00000-000-509301-000	School Debt Service: Other Debt Service
(\$50,325)	GL Code: 1001-09110-00000-000-505800-000	General Fund: Contingency

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**Technology Trust Fund**

A supplemental appropriation of \$121,789 from the Circuit Court Clerk’s office for the Technology Trust Funds received during fiscal year 2020.

Supplemental Appropriation: \$121,789

\$121,789	GL Code: 1001-00000-12309-000-323820-000	Clerk Technology Trust Fund
\$94,000	GL Code: 1001-02106-10201-000-501300-000	Part-Time Wages
\$8,000	GL Code: 1001-02106-10201-000-502100-000	FICA
\$16,000	GL Code: 1001-02106-10201-000-503109-000	Other Professional Services
\$3,789	GL Code: 1001-02106-10201-000-506001-000	Office Supplies

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**Personal Property Tax Relief – Elderly, Disabled and Veterans**

A supplemental appropriation of \$21,034 to supplement the Personal Property Tax Relief for the Elderly, Disabled and Veterans program. The fiscal year 2020 budget was \$500,000 and \$521,034 was given in relief.

Supplemental Appropriation: \$21,034

\$21,034	GL Code: 1001-00000-11101-000-300900-000	Property Taxes
\$21,034	GL Code: 1001-05302-00000-000-505736-000	Tax Relief

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**TRANSPORTATION DEPARTMENT.**

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

Related to upcoming paving on Swope Road (Route 736), Supervisor Wolfe-Garrison asked if any remaining asphalt from the project could be used to pave Sillings Road (Route 913), a short connector road less than half a mile long. She also pointed out several missing or displaced road signs along Routes 701 and 726.

Chairman Kyger asked Mr. Komara to keep him updated on the Rawley Pike (Route 33) improvements and the Friedens Church Road (Route 682) project and detour route. Chairman Kyger also pointed out that traffic has increased on Stone Spring Road (Route 280) in the area of Stone Port Boulevard and the Port Crossing Shopping Center. He suggested it is time to explore the possibility of a traffic signal through some of those busy intersections.

**ROUTE 704 PROJECT**

Supervisor Wolfe-Garrison presented the following resolution concerning changes to the Oakwood Drive and Cecil Wampler Road (Route 704) project:

**RESOLUTION**

**WHEREAS**, the Rockingham County Board of Supervisors was awarded the Virginia Department of Transportation (VDOT) Smart Scale UPC111053, Project 0011-082-869 to relocate Route 704, Cecil Wampler Road, in order to align it with Route 704, Oakwood Drive; and

**WHEREAS**, VDOT recommends cancelling this project due to calculating significantly higher costs than estimated at the time of its approval by the Commonwealth Transportation Board, and flooding and operational issues discovered during the project development process; and

**WHEREAS**, VDOT has determined that improving the existing intersections of Route 704 with US 11 would be more effective; and

**WHEREAS**, VDOT recommends non-Smart Scale funding from this cancelled project be used to fund a right-turn lane on Oakwood Drive for US 11 southbound traffic and improve traffic signal operations; a northbound right-turn lane on US 11 to Cecil Wampler Road, including radii improvements for tractor-trailer movements; a right-turn lane on Cecil Wampler Road for US 11 northbound traffic; and a permanent traffic signal at Cecil Wampler Road; and

**WHEREAS**, any funds not needed to complete these improvements would be use to address the Smart Scale budget shortfall on the existing adjacent US 11 widening project.

**THEREFORE, BE IT RESOLVED** that the Rockingham County Board of Supervisors supports the recommended changes to the Route 704 project and the allocation of unused funds from the Route 704 project to be used to address the funding shortfall on the US 11 widening project.

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On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the Resolution authorizing changes to the Route 704 project.

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**PRESENTATION – REQUEST TO ACCELERATE THE REOPENING OF THE COUNTY.**

County resident Brooke Garrison provided a presentation in support of accelerating the reopening of the County and Schools, and suggested the County become a mask sanctuary. The presentation included specific data and statistics to support an accelerated reopening, specifically for a normal school reopening. She suggested implementing a collaborative safe plan of action, focused on safe practices and protocols at nursing homes and food processing plants, and opening the community for the broader population.

Chairman Kyger expressed appreciation to Ms. Garrison for the information and indicated the Board will take the information under advisement. For now, the Board will continue to follow guidance by the Centers for Disease Control and Prevention (CDC), Virginia Department of Health (VDH), and the Governor’s Office, he said.

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

The Board received and reviewed Mr. Armstrong’s Economic Development staff report dated June 24, 2020.

**ROCKINGHAM COUNTY COVID-19 SMALL BUSINESS GRANT PROGRAM**

Assistant County Administrator Armstrong presented the Small Business Grant Program Agreement, an agreement in connection with the Rockingham Economic Development Authority (EDA). The Small Business Grant Program will utilize Coronavirus Aid Relief and Economic Security (CARES) Act funds to award grants to qualifying businesses in the County.

Mr. Armstrong reported that grant applications will be accepted between July 13 and 24, 2020. A Grant Review Team will meet in July to review applications and payments will be distributed beginning August 3, 2020.

Supervisor Trumbo questioned whether a prorated award system would better serve small businesses rather than a first-come, first-served basis. He said he would hate for a qualifying business to meet the application deadline and receive no assistance.

Discussion ensued. Administrator King pointed out that the grant program was set up with that in mind. Lowering the current amount of \$5,000 for businesses that employ 3-25 full-time workers or \$10,000 for a business that employs 26-50 full-time might not offer much value.

Concerning the grant application, Supervisor Trumbo asked what documents will constitute proof of monthly receipts.

County Attorney Miller said it is left to the discretion of the Grant Review Team to determine if an applicant has provided sufficient information. He indicated requiring specific documents gets into confidential proprietary information. Mr. Miller said some businesses are small enough that they do not have external auditing documents and would be eliminated from the grant program if the bar were set at that level.

Chairman Kyger said this is an attempt to get the money into the hands of small businesses in need during extreme circumstances. He said he believes the \$500,000 will go a long way to help the community.

Supervisor Breeden motioned for approval of the Small Business Grant Program Agreement as presented. The motion was seconded by Supervisor Wolfe-Garrison.

Carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the following Rockingham County COVID-19 Small Business Grant Program Agreement, in connection with the Economic Development Authority:

### **Rockingham County COVID-19 Small Business Grant Program**

In response to the COVID-19 pandemic, the Governor of Virginia issued Executive Order 53, which, among other things, forced the closure of non-essential businesses in Rockingham County. The forced closure has severely impacted various retail, hospitality, entertainment, employment and administrative services, and travel-related businesses.

The County received funding from the Coronavirus Aid Relief and Economic Security (CARES) Act. The U.S. Department of Treasury guidance allows the CARES Act funds to be used for costs and expenses incurred because of the COVID-19 public health emergency, specifically mentioning the making of grants to small businesses.

A small business grant program will be the most efficient and effective way to distribute resources to small businesses in Rockingham County and its seven towns. The program can assist a small business with cash needed for working capital to support rent or mortgage payments, utility, payroll, or other similar expenses that occur in the ordinary course of business.

The Rockingham County Economic Development Authority (the EDA) is authorized to make money grants for economic development pursuant to Section 15.2-4905(13) of the Code of Virginia (1950). To implement this grant Program, the Board of Supervisors of Rockingham County (the Board) and the EDA will enter into the Rockingham County – Economic Development Small Business Grant Program Agreement, dated as of June 24, 2020 (the Agreement). A copy of the Agreement is attached to this Policy as Exhibit A. With the oversight of the EDA, the Small Business Grant Review Team (the Grant Review Team), hereby established by the Board, acting through the Board Chairman, will administer the Grant Program. The Grant Review Team shall consist of two County staff members, two Board members and one EDA member. The Board hereby initially allocates \$500,000 of the CARES Act funds received to this Grant Program. If the need is demonstrated, the Grant Review Team may request additional funding.

#### **Qualification Criteria:**

A business must meet the following criteria to qualify for a grant:

1. Be a business in the retail, hospitality, entertainment, employment and administrative services, or travel-related sectors.
2. Have a minimum of three and a maximum of fifty full-time equivalent employees on-site in Rockingham County.
3. Have gross annual receipts of less than \$2,000,000.
4. Must not be a part of, a subsidiary of, or be otherwise owned or controlled by a business with more than fifty employees.
5. Be physically located in Rockingham County.
6. Have been current on all County taxes as of March 1, 2020.
7. Must have experienced due to Covid-19 a revenue loss of 25% or more when compared to the average revenue for the same period during the preceding two calendar years.

Businesses that employ 3-25 full-time equivalent employees are eligible for a grant of \$5,000.

Businesses that employ 26–50 full-time equivalent employees are eligible for a grant of \$10,000.

Locally owned franchise businesses are eligible for grants.

Banks, financial institutions and franchise businesses not locally owned are not eligible for the Grant Program.

#### **Application Review Process**

1. The grant shall be advertised for 10 business days, from June 29, 2020 to July 10, 2020.
2. Applications shall be accepted from July 13, 2020 until close of business, July 24, 2020.
3. The Grant Review Team shall meet the week of July 27, 2020.
4. Applications shall be time and date stamped upon receipt and shall be reviewed on a first come, first served basis.
5. The Grant Review Team shall assess the applications to ensure that the criteria of this Grant Program are met.
6. Payments shall be distributed beginning August 3, 2020.

If the initial allocation of \$500,000 is not sufficient to meet all qualified applications received, the Grant Review Team shall report the additional need to the Board with a recommendation of whether to allocate more CARES Act funds to this Grant Program.

If there remains a balance of the \$500,000 allocation after the initial application process, a second application period shall open. During the second application period, gross annual receipts maximum shall be adjusted to \$5,000,000. All other criteria and procedures shall remain the same, including that the advertisement period shall run for 10 business days, followed by a 10 business day application period, with distribution of payment the following week.

Documentation required of Applicant:

1. Completed and signed application
2. IRS form W-9
3. Proof of monthly gross receipts history for the previous two years through June 30, 2020 (if the business has not produced receipts for two years, supply all monthly receipts since inception).

#### **Disbursement Requirements**

1. **Receipt of Application.** The small business must have provided the Grant Review Team with a complete Small Business Grant application.

2. **Certification of Application.** The Grant Review Team must have certified that the small business qualifies for the Small Business Grant program and that the small business has provided all the information required to make this determination.
3. **Report to EDA.** The Grant Review Team shall send to all EDA board members via email the list of businesses qualified to receive a grant. All applications and documentation will be available for the review of EDA board members. EDA board members must raise any objections by close of business on August 6, 2020, for the initial application period. Vouchers must be approved by the EDA Chairman prior to disbursement. Checks for any applicant objected to by an EDA member shall be held until the objection is rescinded by the member or overruled by a simple majority vote of the other EDA members. Checks shall be mailed on August 7, 2020. All subsequent rounds will follow the same pattern.

**Repayment of CARES ACT Grant and Credits**

If a recipient ceases its operations in Rockingham County within one (1) year of receiving grant funds, the recipient shall immediately reimburse the EDA the full amount of grant funds received. Any refund received by the EDA shall be repaid to the County.

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**ECONOMIC DEVELOPMENT POLICY**

Assistant County Administrator Armstrong recalled that the Board of Supervisors adopted a revised Economic Development Policy at the June 10, 2020, Board meeting. Mr. Armstrong pointed out that the former economic development policy involving specific technology zones dissolved upon adoption of the revised Policy on June 10, 2020. Mr. Armstrong pointed out that businesses participating in one of the prior technology zone grants will continue until their term is complete.

For clarification, Mr. Armstrong requested that the Board acknowledge and reaffirm that the adoption of the revised Policy on June 10, 2020, terminated the four historic technology zones and grant programs, with the exception that projects already in progress in those zones will continue until their completion.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board acknowledged and reaffirmed that the adoption of the revised Economic Development Policy on June 10, 2020, terminated the four historic technology zones and grant programs, with the exception that projects already in progress will continue until their completion.

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**RECESS.**

Chairman Kyger recessed the meeting at 7:24 p.m., for a meeting of the Lake Shenandoah Stormwater Control Authority.

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**RECONVENE.**

Chairman Kyger reconvened the regular meeting at 7:47 p.m.

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**REZONING REQUEST – HABU DEVELOPMENT, LLC.**

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board,

subject to the revised proffers, approved REZ20-039 HABU Development, LLC. (c/o Gary Sandridge), 116 E. Point Road, Elkton, VA 22827 by amending proffers to remove the maximum number of recorded lots allowed per calendar year, while retaining the R-2C (Medium-density Residential District with Conditions). The amendment will apply to South Peak Subdivision (formerly Life Farm), McGaheysville, Tax map # 142-(A)-L11, 13, 14, 15 & 16. Election District 5. The Board of Supervisors waived the public hearing requirement for HABU Development, LLC to replace an existing proffered condition governing the phasing of construction within South Peak Subdivision on February 26, 2020, pursuant to Virginia Code Section 15.2-2302.B.

Proffers:

Rezoning Case #REZ20-039 South Peak Subdivision - originally rezoned with proffers as Life Farm Property by the Board of Supervisors on January 28, 2009 in Case #REZ08-07 TM#142-A-L16 and TM#142A- L11,13,14,&15

Pursuant to Code of Virginia Section 15.2-2303.4, the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers.

Accordingly, I/ (we) hereby proffer that the use and development of this property shall be in strict accordance with the following conditions:

1. One divided street connection to McGaheysville Road (State Rte. 996) to be provided with development of the property.
2. Any streets constructed which would run toward Tax Map #142-A-L1A and Tax Map # 142-A-L1 will be extended to the property lines, and a right-of-way will extend to property line. Right-of-way will be dedicated for public use.
3. A community park centrally located for the use of residents. Park to be owned and maintenance provided by the HOA. Several other small landscaped areas will be owned and maintained by the HOA. The community park and entrance to park should be defined with fencing or shrubs.
4. Streets shall be dedicated for public use and subject to Virginia Department of Transportation requirements.
5. A four-foot (4') bicycle lane or a five-foot (5') sidewalk shall be constructed on one side of all internal streets.
6. The development will have not less than six (6) single family detached lots and not more than seventy- eight (78) single family two unit attached lots for a maximum of eighty-four (84) total dwelling units.
7. All units will be served by County water and sewer.
8. Ten (10') foot Right of Way along Rt. 996, McGaheysville Road will be dedicated for public use.
9. The road/lot layout, as shown on Exhibit A, will generally be the layout followed in the design of the subdivision.
10. No roadway will be connected to Spotswood Trail (Rt. 33).
11. The four (4) lots fronting McGaheysville Road (Rt. 996) shall be single-family detached lots and shall have a minimum of 100-foot frontage.

These proffered conditions supersede all conditions set forth in the previous proffer statement dated February 19, 2020, and supersede those approved by the Board of Supervisors on January 28, 2009 in Case #REZ08-07.

**PUBLIC HEARING – REZONINGS.**

Chairman Kyger opened the public hearing at 7:50 p.m., and Director of Planning Dyjak reviewed the following requests:

REZ20-016 West Lake Space, LLC, 1502 Brookhaven Drive, Rockingham, VA 22801 to rezone 0.743 acres from A-2 General Agricultural District to R-3 General Residential District. The parcel is located at 3302 Albert Long Drive (Route 895), Rockingham, VA. Comprehensive Plan Designation: Mixed Use Center within the Stone Spring Urban Development Area; Tax Map #125-(A)-L125A. Election District 3.

Jeff Robb, Real Estate Agent for the applicant, was available to answer questions.

No one spoke in opposition to the request.

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REZ20-023 Cosner Construction, Inc., P.O. Box 609, Broadway, VA 22815, request to amend the existing proffered conditions and plan description of Locust Grove Village covering a 5.9 acre-portion of a 10-acre parcel located on the southeast side of Boyers Road (Route 704) approximately 0.5 mile south of Stone Spring Road (VA 280), designated as PMF-C Planned Multi-Family District with Conditions. Comprehensive Plan Designation: Community Residential in the Stone Spring Urban Development Area, Tax Map #125-(A)-L220B, Election District 3.

Administrator King pointed out that stormwater will be directed away from the Lake Shenandoah watershed.

No one spoke in opposition to the request.

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Senior Planner Patrick Wilcox reviewed the following requests:

REZ20-058 Rivers Edge Enterprise LLC (c/o Vern Michael), 8218 Port Republic Road, Port Republic, VA 24471 to rezone 0.244-acre portion of 8138 Port Republic Road from R-1 (Low-Density Residential) to A-2 (General Residential) for purpose of transferring to 152-(8)- L2A. Tax Map # 152-(7)-L4. Election District 3.

Chairman Kyger reported that he discussed the request with the applicant prior to the Board meeting and stated that the intent of the request is proper.

No members of the public spoke regarding the request.

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REZ20-071 Richard Rohrer, 8730 Rawley Pike, Hinton, VA 22831 to rezone one acre on the east side of Garbers Church Road (VA 910), 0.25 mile west of John Wayland Highway (VA 42) from A-2 (General Agricultural) to B-1 (General Business). Tax map # 108-(A)-L111B. Election District 2.

No one spoke in opposition to the request.

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Chairman Kyger closed the public hearing at 7:59 p.m.

REZ20-016 WEST LAKE SPACE, LLC

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved REZ20-016, West Lake Space, LLC, 1502 Brookhaven Drive, Rockingham, VA 22801 to rezone 0.743 acres from A-2 General Agricultural District to R-3 General Residential District. The parcel is located at 3302 Albert Long Drive (Route 895), Rockingham, VA. Comprehensive Plan Designation: Mixed Use Center within the Stone Spring Urban Development Area; Tax Map #125-(A)-L125A. Election District 3.

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REZ20-023 COSNER CONSTRUCTION, INC.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following proffers, approved REZ20-023, Cosner Construction, Inc., P.O. Box 609, Broadway, VA 22815, to amend the existing proffered conditions and plan description of Locust Grove Village covering a 5.9 acre-portion of a 10-acre parcel located on the southeast side of Boyers Road (Route 704) approximately 0.5 mile south of Stone Spring Road (VA 280), designated as PMF-C Planned Multi-Family District with Conditions. Comprehensive Plan Designation: Community Residential in the Stone Spring Urban Development Area, Tax Map #125-(A)-L220B, Election District 3.

Proffers:

Applicant hereby proffers that the use and development of this property shall be in strict accordance with the following conditions:

1. The development shall be designed in general conformance with the Master Plan of Development associated with this rezoning request, as prepared by Monteverde Engineering & Design Studio and dated October 28, 2018.
2. The development shall consist of no more than 86 residential units containing 1-3 bedrooms each, with no more than 186 bedrooms total.
3. Right-of-way along Boyers Rd (Route 704), measuring a minimum of 25' from centerline or 1' beyond public road/trail improvements, whichever is more, shall be dedicated to the public prior to the issuance of any new occupancy permit associated with the development.
4. The entrance on Boyers Rd shall measure 60' in length, minimum, between edges of connecting pavements, and shall incorporate a landscaped median measuring 10' in width, minimum.
5. A public shared-use trail shall be constructed along right-of-way frontage to Boyers Rd, concurrent with the initial phase of development. Design of shared use trail shall conform to VDOT minimum standards.
6. A right-turn lane measuring approximately 150' in length (100' storage + 50' taper) shall be constructed, concurrent with initial phase of development, to serve primary entrance on Boyers Rd. A marked bus stop shall be placed adjacent to the turn lane for the purpose of serving public school buses.
7. For the purpose of allowing inter-parcel connectivity between the subject parcel and those to the north and south, two roadway stubs shall be constructed, concurrent with initial development of surrounding area, as generally depicted on the associated Master Plan of Development. These connections may be relocated during design, if determined appropriate to better accommodate grading and infrastructure improvements. Upon development of adjoining parcel(s), owner of

subject property will enter into a reciprocal easement agreement with the neighboring property owner to allow for connection to constructed roadway stubs and access between parcels and associated entrances served by Boyers Rd.

- 8. Common areas shall be improved, concurrent with initial development of surrounding area, by a combination of hardscaped pathways, landscaped areas, and amenities, as generally depicted on the Master Plan of Development. Amenities shall include, at a minimum, a gazebo-style shelter, common-use charcoal grills, and benches.
- 9. Principal structures:
  - a. Principal structures shall be in substantial conformance to the stylings presented as Attachment A.
  - b. Stone or masonry materials shall be used to cover at least 30% of facade (gross facade measurement shall not include windows and doors).
  - c. Elements of exterior façades (including cladding, trim, and doors) shall include a minimum of three colors.
  - d. Front porches shall be one-story in height, and at least 5’ deep.
  - e. Foundation planting beds shall be provided along the front façades of each dwelling unit.
- 10. Site design will accommodate a 15% reduction in stormwater (referenced by the max flowrate during a 10-year storm event) presently leaving the site in the direction of the Congers Creek watershed (east and south of site).
- 11. Certificates of Occupancy for the first two buildings shall not be granted prior to June 1, 2020, while those for the final two buildings shall not be granted prior to June 1, 2021.

REZ20-058 RIVERS EDGE ENTERPRISE LLC

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved REZ20-058, Rivers Edge Enterprise LLC (c/o Vern Michael), 8218 Port Republic Road, Port Republic, VA 24471 to rezone 0.244-acre portion of 8138 Port Republic Road from R-1 (Low-Density Residential) to A-2 (General Residential) for purpose of transferring to 152-(8)- L2A. Tax Map # 152-(7)-L4. Election District 3.

REZ20-071 RICHARD ROHRER

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved REZ20-071, Richard Rohrer, 8730 Rawley Pike, Hinton, VA 22831 to rezone one-acre on the east side of Garbers Church Road (VA 910), 0.25 mile west of John Wayland Highway (VA 42) from A-2 (General Agricultural) to B-1 (General Business). Tax map # 108-(A)-L111B. Election District 2.

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**PUBLIC HEARING – SPECIAL USE PERMIT.**

Chairman Kyger opened the public hearing at 8:03 p.m., and Deputy Zoning Administrator Getz reviewed the following request.

- SUP20-099 Shenandoah Cable Television, LLC, 20 McJunkin Road, Unit B, Nitro, WV 25143 for an increase in telecommunication tower height from 69.5’ to 100’ on property located on the southwest side of Mountain Top Lane (private) approximately 4/10 mile north of Brocks Gap Road (Route 259), Election District #1, zoned RR-1. Tax Map #38-(1)-5. Property address: 15327 Mountain Top Lane.

Shentel representative Jessie Wilmer provided a presentation and announced a new fixed wireless broadband product with 5G compatibility that Shentel is launching in 2020. The network will provide higher speeds in rural areas. The request before the Board would provide coverage to 900 underserved homes in the Brocks Gap area. Ms. Wilmer pointed out that Shentel received a waiver from adjacent property owners regarding the reduced fall zone setbacks from property lines as required by the zoning code. Additionally, the tower has capability for collocation services.

No one spoke in opposition to the request.

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Chairman Kyger closed the public hearing at 8:14 p.m.

On motion by Supervisor Trumbo, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP20-099, Shenandoah Cable Television, LLC, 20 McJunkin Road, Unit B, Nitro, WV 25143 for an increase in telecommunication tower height from 69.5’ to 100’ on property located on the southwest side of Mountain Top Lane (private) approximately 4/10 mile north of Brocks Gap Road (Route 259), Election District #1, zoned RR-1. Tax Map #38-(1)-5. Property address: 15327 Mountain Top Lane.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. All building code requirements shall be met.
3. Applicant shall meet all VDOT requirements regarding the entrance and the use of it for construction traffic. If improvement is required, a copy of the permit shall be submitted to the Community Development Department. If no permits are required, notification must be received by the department from VDOT. In either case, the information must be provided to Community Development prior to issuance of a building permit.
4. All Erosion & Sediment Control regulations shall be met.

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**PUBLIC HEARING – ORDINANCE AMENDMENT/CAPITAL IMPROVEMENTS PROGRAM AMENDMENTS.**

Chairman Kyger opened the public hearing at 8:15 p.m.

Mr. Dyjak reviewed ordinance OA20-008 to amend Table 17-806.02 Area, Setback, and Height – Planned. The amendment would eliminate distances between apartment structures that adjoin in the Planned Multi-Family (PMF) Zoning District.

He also reviewed two amendments to the adopted 2021-2025 Capital Improvements Program (CIP). The CIP amendments included the addition of two transportation projects totaling an additional \$7.64 million in project costs. Staff submitted SMART Scale pre-applications for both projects, and if awarded, VDOT would fund the projects with no County contributions.

The Planning Commission recommended approval of both the ordinance amendment and CIP amendments after the Planning Commission public hearing held on June 2, 2020.

No members of the public spoke regarding the proposed ordinance amendment or the proposed CIP amendments.

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Chairman Kyger closed the public hearing at 8:19 p.m.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE AMENDING  
TABLE 17-806.02  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-806.02. Area, Setback, and Height – Planned be and hereby is amended by adding an asterisk (\*) to the entry for “Minimum Setbacks from Interior Lot Lines” for “Apartment Structures”, as shown below.

Structures by Zoning Districts	Maximum Density per Gross Acre	Minimum Setbacks from Interior Lot Lines	Minimum Setbacks from Project Perimeter	Maximum Building Height (feet)
<b>PMF, Planned Multifamily Residential</b>				
Duplexes	12 units	5 feet*	15 feet	45 feet
Rowhouses	16 units	10 feet*	15 feet	45 feet
Apartment structures	32 units	10 feet; and 10 feet between buildings*	15 feet	75 feet
Accessory structures	—	5 feet	15 feet and not in front yard*	No higher than primary structure

All other portions of Table 17-806.02 are re-affirmed.

This ordinance shall be effective from the 24th day of June, 2020.

Adopted the 24th day of June, 2020.

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**CAPITAL IMPROVEMENTS PROGRAM (CIP) AMENDMENTS**

On motion by Supervisor Breeden, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the following amendments to the Capital Improvements Program, totaling an additional \$7.64 million in project costs to be funded through the SMART Scale Program.

<b>Name &amp; CIP # (VDOT Project #)</b>	<b>Location</b>	<b>Project Scope</b>	<b>Funding Program &amp; Status</b>	<b>Cost</b>
<b>#CD-05 (#7125) Smithland Road (Route 720) Widening</b>	Between US-11 in and Rt. 718 in the City (approx. 0.8 miles)	Widen Rt. 720 to add a minimum 4-ft shoulder and increase lane width from 10-ft to 12-ft where possible.	<b>SMART Scale Pre-Application submitted 4/17/20</b>	<b>\$5.7m</b>
<b>#CD-06 (#7157) Mt. Crawford Park &amp; Ride Expansion</b>	VA 257 at I-81 Exit 240	Expansion of the existing Mt. Crawford Park and Ride at I-81, Exit 240	<b>SMART Scale Pre-Application submitted 4/16/20</b>	<b>\$1.94m</b>

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**FINANCE DIRECTOR’S STAFF REPORT.**

The Board received and reviewed the Mrs. Davidson’s staff report dated June 24, 2020.

**COVID-19 CARES ACT PURCHASE REQUESTS**

Mrs. Davidson reported that an Invitation to Bid was issued for the purchase of sanitizing stations to be used in County Schools, Fire Stations, and Office Buildings. The County needs to purchase 325 sanitizing stations, 325 automatic sanitizer dispensers, and 750 gallons of FDA-approved sanitizer to be delivered by July 31, 2020. She reported that 42 bids were received, which varied greatly. After analysis of all proposals received, staff recommended contracting with Brandito LLC and Stalwart Medical Solutions. CARES Act proceeds will be used for the purchase.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to enter into a contract with Brandito LLC to purchase sanitizing stations, and with Stalwart Medical Solutions to purchase sanitizing solution for the County Schools, Fire and Rescue Stations and Office Building, to be funded by CARES Act proceeds.

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Mrs. Davidson reported that the County has inadequate storage space required to store cleaning and decontamination personal protective equipment being used in response to the COVID-19 pandemic. Staff recommended placing a storage building on County property at 100 Mt. Clinton Pike. Mrs. Davidson requested permission to issue a Request for Proposals utilizing a design-build approach, since time is of the essence. She pointed out that CARES Act proceeds will be used to fund the project.

On motion by Supervisor Breeden, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to issue a Request for Proposals for the design and construction of a storage and maintenance building at 100 Mt. Clinton Pike, Harrisonburg, to be funded by CARES Act proceeds.

**REAL ESTATE ASSESSMENT UPDATE**

Mrs. Davidson reported that the Real Estate Assessment process is in the planning stages. Staff met with Pearson’s Appraisal Service on June 5, 2020. Advertisements will be published in the *Daily News Record* and on the County website and Facebook pages informing residents of the assessment process. Pearson’s staff will begin conducting reassessments soon. They plan to update County staff each Monday about locations in the County where they will be working. Assessors’ vehicles will be marked with a magnetic County seal and each assessor will have a County identification badge.

Supervisor Wolfe-Garrison asked if the vehicles will have out-of-state license plates, noting that someone had already been to her property taking pictures. Mrs. Davidson indicated she will find out if Pearson’s assessors have already begun work and ask if they will be driving vehicles with out-of-state license plates.

NON-PROFIT GRANT REQUEST PROCESS

Finance Director Davidson reviewed staff’s recommendation to revise the process of awarding contributions to non-profit agencies. Starting with the budget process for fiscal year 2022, staff recommends that non-profits be required to submit an application for evaluation by a review committee. The committee would review applications and make recommendations for funding during the budget process. Additionally, staff recommended sending a letter to local non-profit agencies on July 1 notifying them of the new process.

In response to a question, Mrs. Davidson said this process excludes essential organizations such as Emergency Response Stations, the Harrisonburg Rockingham Community Services Board, and the SPCA.

Supervisor Trumbo said it will be important to establish specific criteria to determine which requests receive priority and how to determine the amount of funding to be awarded.

By consensus, the Board authorized developing an application process to address funding requests by non-profit agencies, and directed staff to notify non-profit agencies of the new process moving forward.

ROOF RESTORATION PROJECTS

Mrs. Davidson reported that the Public Works Committee recommended awarding the Administration and Health and Human Services Building Roof Restorations to Baker Roofing, for \$195, 453. The project will consist of cleaning and repair of the existing roof systems and application of a silicone coating. A 20-year warranty will be included. Mrs. Davidson pointed out this restoration will save the County nearly \$200,000, which has already been budgeted for fiscal year 2021.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to award the Administration and Health and Human Services Building Roof Restoration Project to Baker Roofing in the amount of \$195,453.

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FINANCE COMMITTEE

Mrs. Davidson presented two fiscal year 2019-2020 supplemental appropriations for approval.

Supervisor Breeden pointed out the funds come from the fund reserve for each appropriation.

On motion by Supervisor Breeden, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER –

AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2019-2020 Supplemental Appropriations:

**Landfill**

A supplemental appropriation of \$455,000 for the Landfill. This includes \$225,000 for the final principal payment for the methane project, \$115,000 for extensive repairs and maintenance of equipment, \$40,000 for the rental of equipment, as County equipment is being repaired, and \$75,000 for landfill stone to be used around the property.

Supplemental Appropriation: \$455,000

\$225,000	GL Code: 1410-04205-00000-000-509101-000	Principal Methane Project
\$115,000	GL Code: 1410-04204-00000-000-503301-000	Repairs & Maintenance
\$40,000	GL Code: 1410-04204-00000-000-505401-000	Lease/Rent Equipment
\$75,000	GL Code: 1410-04204-00000-000-506007-000	Repair & Maintenance Supplies
(\$455,000	GL Code: 1410-00000-15201-000-352000-000	Fund Reserve
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**Countryside Sanitary District**

A supplemental appropriation of \$5,000 for the Countryside Sanitary District. This is for the replacement of all 16 water meters in the district.

Supplemental Appropriation: \$5,000

\$5,000	GL Code: 1405-04401-00000-000-503301-000	Repairs & Maintenance
(\$5,000)	GL Code: 1405-00000-15201-000-352000-000	Fund Reserve

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

The Board received and reviewed Ms. Cooper’s staff report dated June 24, 2020.

Ms. Cooper addressed a resolution of support for the Smithland Road (Route 720) widening project and the Mt. Crawford Park and Ride Expansion. She indicated VDOT SMART Scale program applications are due August 3, 2020.

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

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

**WHEREAS**, the Board of Supervisors of Rockingham County desires to submit two applications through the Virginia Department of Transportation (VDOT) SMART SCALE Program; and

**WHEREAS**, the County intends to submit an application to **increase the widths of existing travel lanes and add shoulders along Route 720 (Smithland Road)** between U.S. 11 (North Valley Pike) and Route 718 (Old Furnace Road), to improve safety, operations, and bicycle movement; and

**WHEREAS**, the County intends to submit an application to **expand the Mt. Crawford Park and Ride Lot** enhance capacity.

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

Adopted this 24<sup>th</sup> day of June, 2020.

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Staff requested authorization to bring forward an ordinance amending the definition of “Motor Vehicle Repair Shop” to include auto detailing with hand washing of cars. As a part of the proposal, staff also requested authorization to add carwashes as a special use in the A-2 and RV Zoning Districts.

By consensus, the Board authorized Community Development staff to draft an ordinance for consideration.

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**CLOSED MEETING.**

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 8:45 p.m. to 8:55 p.m., for a closed meeting pursuant to Section 2.2-3711.A(3), Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;

MOTION: SUPERVISOR TRUMBO  
SECOND: SUPERVISOR BREEDEN

RESOLUTION NO: 20-08  
MEETING DATE: June 24, 2020

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:  
AYES: BREEDEN, CHANDLER, KYGER, TRUMBO, WOLFE-GARRISON  
NAYS: NONE  
ABSENT:

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**ADJOURN.**

Chairman Kyger declared the meeting adjourned at 8:55 p.m.

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Chairman