

Regular Meeting, Wednesday, May 23, 2018, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman
Carolyn S. Bragg-Vice Chairman
Terry L. Kelley, Jr.
Michael L. Shull
Wendell L. Coleman
Marshall W. Pattie
Pam L. Carter
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
James R. Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, May 23, 2018, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 242nd year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Braxton Bragg of Stuarts Draft led the Board of Supervisors in the Pledge of Allegiance.

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Terry Kelley, Supervisor for the Beverley Manor District, delivered the invocation.

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MIDDLEBROOK VOLUNTEER FIRE DEPARTMENT – PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public use Overlay to approximately 1.07 acres owned by Middlebrook Volunteer Fire Department and located on the west side of Cherry Grove Road (Route 670) approximately one-tenth of a mile south of Middlebrook Road (Route 252) in the Riverheads District. The Planning Commission recommends approval.

John Wilkinson, Director of Community Development, stated that the Middlebrook Volunteer Fire Department would like to build a bunkhouse with a two bay vehicle garage. Public water is available to the property and is compatible with the adjacent Public Use Overlay zoning. This is not in compliance with the Comprehensive Plan because it is planned for low density residential. However, the Planning Commission recommends approval, along with Staff, because the expansion of a fire department would provide essential services to the surrounding community.

The Chairman declared the public hearing open.

Jason Shultz, Middlebrook Fire Chief, stated that this will enhance service to the Middlebrook community. Especially in times of inclement weather or staffing shortages. The current building does not allow overnight housing. The two bay garage will house two of the smaller trucks and the living quarters will include showers, restrooms, bunk rooms, kitchen and a social area. The new building will be approximately 40x60.

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ROSEMARIE B. WEST, TRUSTEE & DORIS S. WRIGHT, ETAL – REZONING (CONT'D)

Mr. Burkholder stated that it could take up to 20 years to complete the development.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Shull moved, seconded by Mr. Coleman that the Board approve the rezoning request.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie and Carter
 Nays: None

Motion carried.

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GARLAND F. JR., OR MELONY EASTER AND GARLAND F. OR EVELYN B. EASTER – REZONING

****PUBLIC HEARING RESUMED FROM April 25, 2018****

This being the day and time advertised to consider a request to rezone from General Agriculture to Single Family Residential approximately 12.6 acres owned by Garland F. Jr. or Melony Easter and Garland F. or Evelyn B. Easter located on the east side of Old Goose Creek Road (Route 640), approximately 1.04 miles west of the intersection of Old Good Creek Road and Lifecore Drive (Route 636) in Fishersville in the Wayne District. The Planning Commission recommends denial.

Mr. Wilkinson stated that this is a hearing continued from the April 25, 2018 Board of Supervisors meeting.

The Chairman declared the public hearing resumed from April 25, 2018.

Brasil Hamrick of Hamrick Engineering, stated that he represents Mr. Easter and he also designed the plan. There are primarily two issues with this rezoning. The first one being that Goose Creek Road was paved through rural rustic funds. The goal is to limit development on those roads so the project was divided into three five acre lots. Research was done on Goose Creek Road traffic flow from 2001-2017. After Lifecore Drive was built, the traffic on Goose Creek Road dropped. In 2008 there were 428 vehicles per day. With this development, the result will be 470 vehicles max. This project does not have a dramatic effect on the area. The second issue is connection to Troxel Lane. This is not required nor desired for this development project. Zoning Administration has no issues with the development. Water and sewer services are in place and there has been a fire flow test performed. Fire and Rescue has stated there would be no decrease in response time and schools will not be greatly affected. This is in the Comprehensive Plan for the urban service growth area.

Garland Easter stated that the property was bought as an investment and it is too steep to farm.

Bob Pingrey has concerns with the inability for Goose Creek Road to handle the additional traffic. If this development occurs, VDOT will need to widen the road.

Ben Cash of 288 Old Goose Creek Road, shares the same concerns as Mr. Pingrey.

Jenny McManus lives on Troxel Lane and questioned whether a second entrance/exit

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STEWART MIDDLE SCHOOL BASEBALL FIELD

The Board considered a request to fund improvements to the field.

Funding Source:	Middle River Parks & Rec	80000-8022-52	\$4,816.00
	North River Parks & Rec	80000-8023-43	\$4,816.00
	Beverley Manor Parks & Rec	80000-8021-58	\$4,816.00

Mr. Fitzgerald stated that there has been a request of funding for improvements to the field behind Stewart Middle School. The School Board sent out for quotes and talked to four different vendors and received one bid. The first phase for the repairs is \$11,884.00 and the second phase is \$2,564.00. It is requested that the funding come from the Middle River, North River and Beverley Manor Infrastructure accounts.

Dr. Pattie recommended the funding come from the Parks and Recreation Infrastructure accounts.

Dr. Pattie moved, seconded by Mr. Kelley, that the Board approve the funding for the Stewart Middle School Baseball Field from the Parks and Recreation Infrastructure accounts.

Mr. Coleman reiterated that the School Board attempted to receive four bids on the project, however, only one bid was received.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie, and Carter
Nays: None

Motion carried.

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MILL PLACE WALKING TRAIL

The Board considered a naming of the trails at Mill Place.

Jennifer Whetzel, Deputy County Administrator, stated that a presentation was given on Monday on the status of trail construction at Mill Place, along with criteria for naming the trails. The Mill Place master plan update makes recommendations to install a fitness and walking trail network throughout the park. Included in the master plan are trails, one of which is being constructed around the large detention area currently. The name should accommodate potential expansion and additional trails. The signage plan is moving forward and will be before the Board in the near future. The Parks and Recreation commission recommended the name be "The Trails at Mill Place".

Mr. Kelley stated that he also recommends the name "The Trails at Mill Place". It has been a great experience watching this project develop.

Mr. Kelley moved, seconded by Dr. Pattie, that the Board approve "Trails at Mill Place" as the name for the trails at Mill Place Commerce Park.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie, and Carter
Nays: None

Motion carried.

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ECONOMIC DEVELOPMENT INCENTIVES

The Board considered the resolutions for the current incentives.

Jennifer Whetzel, Deputy County Administrator, stated that on Monday there was a presentation on the financial status of Economic Development Incentives that have previously been offered by the County to expand or locate business in the area. Before the Board for consideration are five resolutions related to grant matches or Virginia Jobs Investment Program (VJIP) matches related to those incentives. The resolutions would authorize repayment from the County for economic incentives included in the performance agreements previously approved by the Board. The funds would be appropriated to be kept by the County until those grants are matched at 100%.

Ms. Bragg moved, seconded by Dr. Pattie, that the Board authorize repayment of funds for Accutec at \$125,000.00 grant match and \$53,000.00 VJIP.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

Ms. Bragg moved, seconded by Dr. Pattie, that the Board authorize repayment of funds for McKee's grant match at \$300,000.00.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

Ms. Bragg moved, seconded by Dr. Pattie, that the Board authorize repayment of funds for Shamrock's grant match at \$300,000.00 and \$58,500.00 VJIP.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

Ms. Bragg moved, seconded by Dr. Pattie, that the Board authorize repayment of funds for StableCraft's grant match at \$15,000.00 and \$8,000.00 VJIP.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

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ECONOMIC DEVELOPMENT INCENTIVES (CONT'D)

Ms. Bragg moved, seconded by Dr. Pattie, that the Board authorize repayment of funds for the following VJIP Matches: Provides at \$42,000.00, Hershey at \$51,750.00, DraftCo. at \$12,000.00 and Hutchins & Hutchins at \$12,000.00

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie, and Carter
Nays: None

Motion carried.

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FLOOD CONTROL DAMS

The Board considered the update to the Memorandum of Understanding for Hearthstone Dam.

Ms. Whetzel stated that there was a preliminary construction figure several years ago on the Hearthstone Dam when the project started. When the design was reviewed by NRCS it was decided a chimney drain was needed. In the meantime, NRCS requested that the County procure services for the final design due to staffing issues at their level. That has been done and the plans have been turned in for review. A toe drain design can now be done. This is a less evasive repair to the structure. The three budget amounts proposed over the terms of the contract are the original amount of \$2.4 million and with the chimney drain it increased to \$5.8 million. With the toe drain and the temporary road it increased to \$3.9 million. At this point final approval of the design is needed from NRCS. That should be received in June 2018. The contract for the Design Services also includes permitting bid phase and Construction Management Services. This would require someone onsite monitoring the contract as it goes along. NRCS has reimbursed the County for the 100% design up through the design amounts. It is before the Board to request moving to the bid phase so that when final design is received, Schnabel Engineering can start drafting the document to hire a contractor. The construction phase services will come back to the Board at a later date and will be evaluated. Before the Board is a Memorandum of Understanding with NRCS adding in the Design Construction Management contract. Staff also recommends the Board authorize execution of the MOU once the state budget is determined. If the state does not approve the funding, Headwaters will be affected.

Dr. Pattie stated that Mr. Garber and himself met with Rockingham County and had a good discussion. They questioned how much of the water would come into their territory.

Mr. Fitzgerald stated that a letter was provided addressing that issue. 30% of the inundation zone is in Rockingham County. A suggestion was made to them to participate in funding at 30%.

Dr. Pattie moved, seconded by Mr. Kelley, that the Board approve the updated Memorandum of Understanding update for Hearthstone Dam.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie, and Carter
Nays: None

Motion carried.

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STREETLIGHT REQUEST

The Board considered a request for the installation of a streetlight at Windward Pointe, Section 4.

Mr. Wilkinson stated that Countryside Development has requested that Augusta County accept six remaining streetlights into the County's streetlight account for Section 4 of Windward Pointe. The lights have been inspected by staff and they meet policy and spacing requirements of the program.

Mr. Coleman moved, seconded by Dr. Pattie, that the Board approve the installation of streetlight.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie, and Carter
Nays: None

Motion carried.

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AUGUSTA COUNTY COURTHOUSE

The Board considered the Courthouse Committee's recommendation.

Mr. Fitzgerald stated that the Courthouse Committee has done a fair amount of work in looking at the best options for moving forward with the Courthouse. There have been meetings and site visits with stakeholders and several groups. On multiple occasions the committee met with the City representatives, Mayor Carolyn Dull and Mr. Kier. There have been meetings with both Clerk of Courts in the city and the county. A meeting has been had with Judge Ludwig, Judge Goodwin and Judge Shaw, the Commonwealth Attorney and Union Bank representatives. The committee has visited and toured the Cochran Judicial Center, Echols Building, 1901 Circuit Court, General District/Juvenile Relations Court buildings, the Union Bank building and Beverley Manor Elementary School. The committee considered options to come to the best conclusion for the courts.

The first option was to consider consolidation with the City of Staunton. This option would consolidate County and City court functions completely. After researching that option it was determined that both the County and City would have to hold a referendum to consolidate. Both referendums would have to pass in order to complete the consolidation. The committee's thought was the chance of the referendum winning in both the City and the County were slim. This did not appear as a good option for moving forward. The next option considered was to renovate the 1901 building, renovate the Echols building, and renovate the General District building. This option does not allow for future growth and continues to require the County to operate three buildings. A connection from the Circuit Court to the Echols building would need to be reviewed and would require additional security. The third option considered was to renovate the 1901 building and expand on to the Union Bank lot with a new addition off the historic court room. This required the City to close the street. The cost to do this would be significant and the impact of closing the street was not simply on a block, it included several intersections and would change the traffic pattern significantly. A fourth option considered was to build a new building on the Union Bank lot and renovate the Circuit Court. After meeting with Union Bank, it was clear that they were happy where they were and the building is a good bank building, but not for a court. The cost provided to us from Union is too high to make this a sound financial option.

The committee's recommended option is to do a demolition and rebuild a new courts facility on property the County owns where the General District Court building sits. This option would remove the General District building and re-build a new building on the

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AUGUSTA COUNTY COURTHOUSE (CONT'D)

same property. The new building would accommodate the Circuit Court, General District Court and Juvenile Domestic Court. It would also accommodate the clerks for the courts and the security needs that go along with the courts. During this process, we will need to go through the City's Historic Review Board in proposing the new building. The 1901 Circuit Court would be renovated to office space. The renovated courthouse could accommodate the Commonwealth Attorney's office, Courts Services Unit and the Magistrate. This facility would maintain the historic court room. Renovating to office space standards will save cost as many of the courthouse standards will not have to be met. It is proposed to relocate the General District and the Juvenile and Domestic Court to Beverley Manor Elementary School during construction. This will require some renovation of the space to make it acceptable for court functions. The location of Beverley Manor Elementary School is a close distance to the existing court facilities. A road test was performed and there is only a couple of minute's difference. This location would work well for a temporary facility for the courts. The Circuit Court would remain at its current location during construction and would move to the new building after completion. Staff is looking for direction in order to advertise a Request for Proposal (RFP) for architectural and design services on the recommended option. This RFP would also include the needed renovations for the Beverley Manor Elementary School for temporary courts. A further Board discussion will be needed in regards to the Historic tax credits for the 1901 building.

Mr. Garber stated that to some this may seem like a long process. The committee considered every option possible. Staunton has been good to work with. Mr. Garber assured the City of Staunton that there would be no conversation through the media. This option isn't the first choice, but it's the choice the County can afford. It's important to never lose sight of what we can afford. The committee checked every box, looked at consolidation, what will work and not work and this is the option.

Mr. Kelley stated that it looks like it took a long time, but there is a lot of work in visits and discussions. Mr. Kelley feels this is the best decision for the citizens of Augusta County.

Mr. Kelley moved, seconded by Ms. Bragg, that the Board approve the committee's recommendation to advertise for a RFP.

Ms. Carter asked what the timeline is in completing the process.

Mr. Fitzgerald stated the RFP should be out within 30 days. It will be out for bid for 30 days and then the process of interviewing the firms and selecting the firms. The firm will then need five or six months to compile a package. It will most likely be the first of the year before anything can be started. The goal is to bid this out in the next year and construction will begin the following year.

Mr. Shull stated that considering there have been three different companies looking at this project, he hopes those plans are used for useful information. The footprint of the building may be slightly different, but the concept is still there.

Mr. Coleman stated that the work that has been with the General Assembly needs to be included.

Mr. Garber pointed out that the General Assembly was an important step. The committee was not moving forward until the General Assembly approved and said it could be done.

Dr. Pattie thanked the committee for their hard work. He doesn't agree with this as expected. A Mosely study was done and it publicly stated that leverage over Staunton was needed. We got the leverage over Staunton and came up with a \$5 million package

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BUDGET FY2019

Ms. Bragg stated that the information has been there since the budget worksession.

Vote was as follows: Yeas: Shull, Coleman, Pattie, and Carter
Nays: Garber, Bragg, Kelley

Motion carried.

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WAIVERS

Consider the Countryside parking waiver request.

Mr. Wilkinson stated that a request was received from Countryside Service Company for a parking waiver request to reduce the required amount of spaces on a multi-family development. The ordinance provides for a waiver providing the Board of Supervisors finds that a parking study or similar document from the applicant meets the public health, safety or welfare and would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting the modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare. The information has been received from the applicant. A listing of what similar surrounding localities require for parking and a statement was made that a parking lot could be built for less cost. This savings would be passed on to their renters. Staff does not support their request.

Dr. Pattie stated many have lived an apartment at some point in their lives. The application seems incomplete because there should have been a full parking study. Dr. Pattie recommends tabling the item to allow for a full parking study to be completed.

Dr. Pattie moved, seconded by Mr. Kelley that the Board table the waiver request.

Mr. Coleman commented Monday that he was more in favor of granting the waiver request. Since then he has decided that it’s not what he needed to support. Mr. Coleman doesn’t want to go against an ordinance. The request is not consistent with the ordinance and within the allowable language in the ordinance that would warrant a waiver. He is not in favor of this waiver because it goes against the ordinance.

Mr. Shull stated that in the public hearing from earlier there were no proffers. There is no guarantee that the developer will do what he claims he will do. This is the same situation.

Mr. Coleman moved, seconded by Ms. Bragg, that the Board deny the request.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
and Carter
Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

Dr. Pattie moved, seconded by Mr. Shull that the Board approve rescinding the V R Associates vote from April 25, 2018.

Dr. Pattie stated that by rescinding the vote they do not have to wait a year to come back to the Board of Supervisors.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Pattie,
 and Carter
 Nays: Coleman

Motion carried.

Dr. Pattie pointed out that going forward that if the Board does not like a project at all then it should be voted against. If it has some merit, but not in the right form, then it should be tabled and brought back to the Board at a later time.

Mr. Garber stated that sometimes there's a danger of dragging things out. There is the option to table and the Board sometimes moves too quickly.

Mr. Kelley moved, seconded by Mr. Shull, that the Board re-appoint the following Boards and Commissions, effective July 1, 2018 and to expire on June 30, 2022:

- | | |
|-----------------|----------------------------------|
| Greg Campbell | Planning Commission |
| Butch Wells | Augusta County Service Authority |
| Jerry Cleveland | Ag Industry Board |
| Mark Daugherty | Recycling Committee |

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

Mr. Kelley moved, seconded by Mr. Shull, that the Board appoint the following Boards and Commissions, effective July 1, 2018 and to expire on June 30, 2022:

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|-------------------|-------------------------------|
| Bryette Covington | Library Board |
| Francis Fenneran | Parks & Recreation Commission |

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

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