
Regular Meeting, Wednesday, July 23, 2008, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: David R. Beyeler, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Wendell L. Coleman
Gerald W. Garber
Larry C. Howdyshell
Jeremy L. Shifflett
Nancy T. Sorrells
Patrick J. Morgan, County Attorney
Becky Earhart, Community Development
Dale L. Cobb, Director of Community Development
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, July 23, 2008, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233rd year of the Commonwealth....

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Chairman Beyeler welcomed the citizens in the audience and asked that a form be completed by anyone who plans to speak.

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Larry C. Howdyshell, Supervisor for the North River District, delivered the invocation.

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Kathy McQuain, Assistant Director for Parks and Recreation, led the Pledge of Allegiance.

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WILLIAM E. AND SARAH FRANCES BRUBECK, TRUSTEES, AND CHARLES N. AND BETTIE A. BEARD – PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public Use Overlay zoning designation with proffers to approximately .5 of an acre owned by William E. and Sarah Frances Brubeck, Trustees, and Charles N. and Bettie A. Beard, located on the south side of Middlebrook Village Road (Route 252) just east of the intersection with Cherry Grove Road (Route 670) in Middlebrook (Riverheads District). The Planning Commission recommends approval with proffer.

Becky Earhart, Senior Planner, displayed property outlined in pink. Applicant submitted the following proffer:

1. Additional permitted uses will be limited to:
 - a. Government buildings and properties to include a library.

Ms. Earhart advised that the property is zoned General Agriculture, is in a Community Development Area, and is slated for Rural Community Development. Public water is available; there is no public sewer.

Diantha McCauley, Librarian, and applicant, added that she planned to open the Middlebrook Library on September 9th and would like to have an Open House celebration on Saturday, September 13th. Ms. McCauley introduced Shawn Crowley who is the Middlebrook Library Station Manager. Ms. McCauley was available to answer questions.

The Chairman declared the public hearing open.

July 23, 2008, at 7:00 p.m.

WILLIAM E. AND SARAH FRANCES BRUBECK, TRUSTEES, AND CHARLES N. AND BETTIE A. BEARD – PUBLIC USE OVERLAY (cont'd)

There being no one present to speak for or against, the Chairman declared the public hearing closed.

Ms. Sorrells stated that this was an exciting venture and the community is looking forward to the opening. The Friends of the Library have begun planning the layout of the library and the acquisition of books and other supplies.

Ms. Sorrells moved, seconded by Mr. Shifflett, that the Board adopt the following ordinance:

A request to add the Public Use Overlay zoning designation with proffers to approximately .5 of an acre owned by William E. and Sarah Frances Brubeck, Trustees, and Charles N. and Bettie A. Beard, located on the south side of Middlebrook Village Road (Route 252) just east of the intersection with Cherry Grove Road (Route 670) in Middlebrook in Riverheads District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel numbers 18, 20, and 20A on tax map number 72A (1) containing approximately 0.5 acres is changed to add the Public Use Overlay with the following proffer:

- 1. Additional permitted uses will be limited to:
 - a. Government buildings and properties to include a library.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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July 23, 2008, at 7:00 p.m.

PARKS AND RECREATION BY-LAWS - ORDINANCE

This being the day and time advertised to consider a an ordinance to amend Section 2-18 of the Code of the County of Augusta, Virginia, to adjust the membership of the Parks and Recreation Commission.

Kathy McQuain, Assistant Director for Parks and Recreation, advised that this had been previously discussed at the Staff Briefing on Monday and reiterated that the Parks and Recreation Commission has been diligently reviewing the by-laws to update. One of the updates requires a section of the County Code to be amended; therefore, a public hearing was necessary.

The Chairman declared the public hearing open.

There being no one present to speak for or against, the Chairman declared the public hearing closed.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance:

AN ORDINANCE TO AMEND SECTION 2-18 OF THE CODE OF THE COUNTY OF AUGUSTA, VIRGINIA, TO ADJUST THE MEMBERSHIP OF THE PARKS AND RECREATION COMMISSION

WHEREAS, the Board of Supervisors finds it desirable to adjust the membership of the Parks and Recreation Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that Section 2-18 of the Code of Augusta County is amended to read as follows:

§ 2-18. Department of Parks and Recreation.

A. The administration of county policies and programs with respect to the provision of a system of public recreation and playgrounds shall be the responsibility of the Department of Parks and Recreation.

B. The Department of Parks and Recreation shall consist of the Director of Recreation, who shall be the head of the department, and such additional employees as may be required to administer the county recreation programs and facilities.

C. There is hereby established within the department the Augusta County Parks and Recreation Commission, which shall consist of seven members appointed by the board of supervisors for terms of four years. ~~In addition, the superintendent of the Augusta County Schools shall serve as an ex officio member, who shall have no vote and who may be represented at the meeting of such commission by his or her designee.~~ The commission shall adopt bylaws, rules and regulations governing its procedure and not inconsistent with applicable state and county laws and policies and subject to approval by the board of supervisors. The commission shall be vested with the power, duties and obligations necessary to evaluate and advise the Board of Supervisors on the county system of recreation.

D. Youth athletic activities promoted or sponsored by the various Ruritan Clubs and Community Associations in the county are recognized as being a part of the recreational program of the county.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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FIRE FLOW – ORDINANCE

The Board considered an ordinance to amend Article 1 of Chapter 24 of the Code of the County of Augusta, Virginia, to provide for adequate water supply for fire protection.

July 23, 2008, at 7:00 p.m.

FIRE FLOW – ORDINANCE (cont'd)

John C. McGehee, Assistant County Administrator, advised that the fire flow ordinance before the Board has taken a while to produce. Staff has worked on it over a two-year period with Service Authority, Fire and Rescue, Building Inspections, and Community Development. Mr. McGehee asked that the Board, after the public hearing, table this item until August 27th so that it can be considered at the same time as a companion subdivision ordinance change currently before the Planning Commission. Fire Chief Bruce Crow gave a presentation for the public with the following highlights:

SUMMARY

- Building construction has changed in both materials used and the distance between homes.
- Older type of construction shown provides more mass, burns slower and is less likely to produce total involvement of the structure than lightweight construction.
- Older homes were constructed of true full thickness 2x4 and 2x10 joists. New homes use manufactured joists and rafters.
- New joists are held together by glues and resins; their design loads are more critical, failure of any one component will result in total system failure causing collapse with exposure problems with neighboring homes.
- Vinyl siding and foam or plastic wrap offers little protection from radiant heat.
- Current development trends place more emphasis on size of the home than size of the lot.
- Key structural members are exposed to fire conditions quicker with closer setbacks.
- Fire Protection: Three critical elements as defined by ISO
 - Having adequate reliable equipment
 - Adequate staffing available to respond without delay
 - Adequate reliable water supply to extinguish the fire
- Removal or modification of any one component of the Fire Protection elements will impact the effectiveness of the system as a whole.

PROPOSED FIRE FLOW STANDARD

Sec 24-2. Water supply for fire protection:

- For new residential developments, adequate fire hydrants will be installed by developer or builder.
- Placement of hydrants shall be coordinated with the Augusta County Service Authority and with the County's Fire Chief or Fire Chief's authorized representative.
- Placement decisions made by the by the Fire Chief should be predicated on public safety and welfare considerations, recognized standards and the ability to properly and efficiently use fire-fighting apparatus.
- Decisions of the Fire Chief may be appealed to the Board of Supervisors, whose decision shall be final .

The Augusta County fire flow shall be based on 2 hour flow duration for all construction projects.

RESIDENTIAL FIRE FLOW: Based on distance between structures.

<u>Distance</u>	<u>Required Flow</u>
Buildings over 100'	500 gpm
30' to 99'	750 gpm
11' to 29.9'	1,000 gpm
10' or less	1,500 gpm

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FIRE FLOW – ORDINANCE (cont'd)

In the event that fire flow requirements cannot be met at all hydrants within a proposed development, the Fire Chief in agreement with the Service Authority, may reduce the required fire flow at no more than two (2) fire hydrants within the proposed development. In addition, the fire flow requirements within these two fire hydrants may not be reduced more than 200 gpm each below the required set flow. At no time will any development be approved with a fire flow below 500 gpm.

For the purpose of this section, duplexes, townhouses and apartments will be treated as residential structures and must comply with Statewide Building Code for fire protection.

COMMERCIAL, BUSINESS AND INDUSTRIAL Structures located where public water is available....

- Adequate water supply shall be not less than 1,000 gpm based on two hour designed flow duration. Required flow will be determined by use of the ISO formula using total square footage.
- To calculate a structure's square footage to determine adequate fire flow, one half of the total square footage of any floors other than the main floor, including basements and mezzanines, if any, shall be added to the total square footage of the main floor.
- Fire flow will be established by using the largest one building of a commercial or industrial development.
- Buildings divided by fire walls as defined by the Statewide Building Code may receive a reduction in required fire flow based on the largest spaces between the two commercial or industrial spaces.
- Square footage of buildings protected by approved fire suppression systems, such as sprinkler systems, shall not be used to determine adequate fire flow, provided that NFPA Standard for fire suppression systems is met. In no event will the minimum fire flow for any commercial or industrial structure **with an approved fire suppression system** be less than 500 gpm.
- Where a new subdivision is to be developed with individual wells, the Fire Chief, shall require that alternative sources of water for fire suppression purposes be made available including construction of a fire suppression well system, provision of "dry" hydrants, and/or easements granting access to water sources.
- Upon application of the developer and for good cause shown, the standards for buildings or subdivisions set forth above may be waived or reduced by the Board of Supervisors, provided that the proposed water system or connection will produce sufficient water for fire safety purposes.
- Adequate fire hydrants will be installed by the developer and/or builder. Placement of hydrants and adequacy of fire flow shall be designed in accordance with 24-2 of the County Code.

Deviations or modifications to these established requirements must be appealed directly to the Augusta County Board of Supervisors.

The Chairman declared the public hearing open.

There being no one present to speak for or against, the Chairman declared the public hearing closed.

Mr. Coleman explained the process of considering an item. He noted that this issue has been discussed at several meetings and updates have been received periodically. The Board has a Staff Briefing once a month which gives staff the opportunity to bring the Board up to date and action is taken at the regular meeting on Wednesday night.

Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board table this item until August 27, 2008.

July 23, 2008, at 7:00 p.m.

FIRE FLOW – ORDINANCE (cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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(END OF PUBLIC HEARINGS)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Reassessment

Judy Armstrong, real estate broker, expressed concerns of the real estate evaluations article (reassessment) in the Staunton News Leader. In the article, it stated that “despite falling real estate values, Augusta County residents should still expect to see a rise in their assessments. Although real estate values have declined in recent months, they are significantly higher than they were during the county’s last assessments in January of 2005.” She showed the Board the Multiple Listing book (2005 and 2008) indicating the total market for a three-month period. She noted that due to the supply of houses for sale the competition currently is huge causing values to decrease.

Chairman Beyeler asked if we were at the bottom of the cycle. Ms. Armstrong said that according to multiple listing statistics we have been at a standstill for approximately 5 months.

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E&S Fees - Waiver

James Fitzgerald, of Old Greenville Road, requested that the old E&S fees be grandfathered because he had started the process of applying for a placement permit in May prior to the new fee increase that was effective June 25th.

Dale L. Cobb, Director of Community Development, reported that a letter had been given to Mr. Fitzgerald indicating that he had originally wanted to place a manufactured home on a piece of property that contained approximately 2.38 acres but already had a dwelling on it. The Zoning Ordinance requires that you have at least five acres for two dwellings. He had been told to subdivide his property under the Family Member Exception provision (created a 1.044 acre tract of land). The plat was approved on May 22, 2008 and recorded on June 20, 2008. On July 10th, Mr. Fitzgerald applied for a building permit and was informed that the E&S fees increased from \$25 to \$500. At that Mr. Fitzgerald asked Mr. Cobb if anything could be done since he had been approved in May. Mr. Cobb told Mr. Fitzgerald that the ordinance was effective June 25th upon enactment. Since he had not applied for a building permit, he was not under the grandfather clause. On July 17th, Mr. Cobb had asked Mr. Morgan, County Attorney, for a legal opinion. Mr. Morgan indicated the following:

Since the fee schedule is based on cost of administration and enforcement of the program, I am of the opinion that a provision “grandfathering” certain projects would not be legally permissible.

Patrick J. Morgan, County Attorney, did not think anything could be done except to amend the ordinance. He suggested speaking with the Planning Department to determine if anything could be done.

July 23, 2008, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC (cont'd)

E&S Fees – Waiver (cont'd)

Ms. Sorrells stated that this was the case that she had mentioned at the Staff Briefing on Monday and noted that there were several similar cases.

Chairman Beyeler sympathized with Mr. Fitzgerald acknowledging that when the process begins and then changes are made in the middle, that it was hard to accept.

Mr. Pyles felt that in consideration that this process was ongoing and steady, and that Mr. Fitzgerald ran into many roadblocks, that the County make allowance for Mr. Fitzgerald to pay \$25 only. While Mr. Morgan and Mr. Cobb are correct in interpreting what the ordinance is, it is still the latitude of the Board to make a variance if it chooses. He felt that if there is evidence that the process was begun before the fees increased, allowances should be made.

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board approve the \$25 fee instead of the \$500. Ms. Sorrells said that she would support the motion if it could legally be grandfathered.

Chairman Beyeler suggested that Mr. Fitzgerald pay the \$25 and that the Board table the item until August 13th to give the County Attorney time to research the issue. Mr. Fitzgerald stated that \$500 has already been paid and asked for a refund.

Mr. Coleman suggested that the other pending cases should apply in the same manner if this is approved by the Board.

Mr. Garber moved, seconded by Mr. Howdyshell, that the Board table this item until August 13, 2008.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Howdyshell: Streetlights Policy – It was suggested at the Staff Briefing on Monday, that streetlights policy needed to be reviewed.

Mr. Howdyshell moved, seconded by Mr. Coleman, that the Board revisit the streetlight policy for the County.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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July 23, 2008, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

COORDINATED AREA TRANSPORTATION SERVICES - REAPPOINTMENT

Mr. Pyles, seconded by Ms. Sorrells, that the Board reappoint Jennifer Whetzel to serve another two-year term on the Coordinated Area Transportation Services, effective October 1, 2008, to expire September 30, 2010.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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CENTRAL SHENANDOAH EMERGENCY MEDICAL SERVICES COUNCIL - REAPPOINTMENT

Mr. Pyles, seconded by Mr. Coleman, that the Board reappoint Bruce Crow to serve another three-year term on the Central Shenandoah Emergency Medical Services Council, effective October 1, 2008, to expire September 30, 2011.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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CENTRAL SHENANDOAH EMERGENCY MEDICAL SERVICES COUNCIL - REAPPOINTMENT

Mr. Pyles, seconded by Ms. Sorrells, that the Board reappoint Elizabeth (Bunny) Hearn to serve another three-year term on the Central Shenandoah Emergency Medical Services Council, effective October 1, 2008, to expire September 30, 2011.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Pyles asked if he would be able to speak during the Crescent item. Chairman Beyeler said he would.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Ms. Sorrells:

NACo Conference:

1. Brought back good information and ideas for the County, i.e., Prescription Drug Cards are now available.
2. Awards: Library – “Adopt a Soldier”; Parks and Recreation – “Spirit of Augusta”

July 23, 2008, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Garber:

- 1. Prescription Drugs Card – brochures available. “Not a cost to the County.”

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- 2. VDOT SAFETY IMPROVEMENT
 Consider intersection safety improvement at Routes 612 and 865. Right-of-way/easement cost \$1,000. Funding Source: Middle River Infrastructure Account #80000-8012-55

Mr. Garber moved, seconded by Ms. Sorrells, that the Board approve the request.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman
 Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

- 3. Grottoes Rescue Squad
 Mr. Garber advised that Rockingham County has asked that Augusta County assist with career staffing because of the lack of volunteers at the Grottoes Rescue Squad.

Mr. Garber moved, seconded by Ms. Sorrells, that the Board approve allocation of \$7,500 per month for the next three months out of the Middle River Infrastructure Account #80000-8012-56 (\$22,500) to help fund the paid staff in Rockingham County until staffing issues are resolved.

Mr. Pyles mentioned that a couple of months ago, he had brought up the concerns he had with the Churchville Volunteer Fire Department struggling with the price of gas, and other expenses. Donations were not as significant as in the past. The Board would not consider helping them. “Does it take failure by our Fire departments before they will do anything?”

Mr. Howdysshell reported that he had spent most of the afternoon dealing with Emergency Services issues. He stated that it is going to be an ongoing process to receive data to come up with a solution to provide adequate coverage to everyone in the County. He realizes that Churchville has problems, but Rockingham County needs to be addressed now. “Solutions don’t happen overnight and the problems don’t happen overnight.” He appreciated Mr. Garber’s suggestion.

Chairman Beyeler explained that Mr. Howdysshell and Mr. Shifflett are on the Committee and are looking into the Emergency Services problems in the entire Augusta County.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman
 Nays: None

Motion carried.

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PARKS AND RECREATION MATCHING GRANT – CRAIGSVILLE RURITAN CLUB

The Board considered (a) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$17,500 for ball field improvements; and (b) approval of grant agreement.

Funding Source: Pastures Recreation Account #80000-8024-19

July 23, 2008, at 7:00 p.m.

PARKS AND RECREATION MATCHING GRANT – CRAIGSVILLE RURITAN CLUB (cont'd)

Ms. McQuain advised that the Parks and Recreation Commission voted 6-0 to recommend the Craigsville Ruritan Club for ball field upgrades, which includes the expansion of the current little league field, two playing fields, upgrade to a picnic shelter, and work on existing ball field, and an addition of a scoreboard. This grant is not to exceed \$17,500.

Ms. McQuain also invited the Board and the public to Sweet Dreams event at Stuarts Draft Park, from 9:00 a.m. to 5:00 p.m., this Saturday, July 26th.

Mr. Pyles stated that this is a very active area and is a good working club.

Mr. Pyles moved, seconded by Mr. Howdyshell, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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VALLEY COMMUNITY SERVICES BOARD – PERFORMANCE CONTRACT

The Board considered FY2009-10 State Performance Contract as proposed.

Brenda Sasser, Interim Executive Director for Valley Community Services Board (VCSB), spoke about Performance Contract services and budget highlights. She pointed out that VCSB serves 1,143 people from Augusta County (508 females and 635 males); of that number, 677 individuals have mentally health issues; 195 individuals diagnosed with mental retardation; and 309 with substance abuse issues. Services are also provided for children in Beverley Manor and Hugh K. Cassell Schools. VCSB has served 193 children between the ages of 3 and 22 with mental health diagnosis, 77 children with mental retardation, and 56 children with substance abuse issues (326). With Augusta County’s contribution and other state and federal dollars, VCSB is able to provide services over and above the mandated services of crisis intervention or emergency services. VCSB currently provides case management, mental health services, support services, residential services, medical services, therapy, infant education, substance abuse, prevention services, jail services and many more services. VCSB’s goal is to support individuals in the least restrictive environment while empowering them to be active participants in the community.

Mr. Howdyshell moved, seconded by Ms. Sorrells, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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July 23, 2008, at 7:00 p.m.

CRESCENT DEVELOPMENT GROUP LLC; PONUS RIDGE, LLC; METRO AND ALICE GOSNELL OLESKA; ALICE GOSNELL OLESKA; AND STANLEY G., III, OR JEAN M. CLINE – REZONING

The Board considered a request to rezone a total of approximately 139.3 acres from General Business, Single Family Residential, and General Agriculture to General Business with proffers (approximately 27.3 acres), Single Family Residential with proffers (approximately 26.3 acres), Duplex Residential with proffers (approximately 38.5 acres), Townhouse Residential with proffers (approximately 35.9 acres), and Multi-Family Residential with proffers (approximately 11.3 acres) owned by Crescent Development Group, LLC; Ponus Ridge, LLC; Metro and Alice Gosnell Oleska; Alice Gosnell Oleska; and Stanley G., III, or Jean M. Cline, located on the south side of Jefferson Highway (Route 250) across from the intersection of Jefferson Highway (Route 250) and Woodrow Wilson Avenue (Route 358) in Fishersville (Wayne District). The Planning Commission recommends approval with revised proffers. **This item was tabled at the June 25, 2008 regular Board meeting until July 23, 2008.**

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board remove this item from the table.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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Chairman Beyeler stated that there were three persons who had signed up to speak. He asked Mr. Coleman to put the motion on the floor and have it seconded. At that time, he would ask for the speakers, have discussion, and then take action.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the proposed development agreement between the County of Augusta and Crescent Development, the proposed agreement concerning construction of Route 636 relocated between the County of Augusta and Crescent Development, and the proposed contribution agreement between the County of Augusta and the Industrial Development Authority; and that the County Administrator be authorized to execute these documents, and that he and the County Attorney be authorized to make adjustments in the form of minor amendments to these documents that are not inconsistent with the approval of this Board.

Mr. Garber clarified that the public hearing occurred on June 25, 2008. This item is not a public hearing but is open for public comment.

There were three speakers who supported the request. They supported the TIF and expressed the importance of a connector road. They felt that the TIF was a brilliant concept with no cost to taxpayers or the County.

Those who spoke in support were: Donna Hoy, James Arehart, and Steve Arehart

There were two speakers who opposed the request. Concerns were expressed over the level of growth and the overcrowding of schools, potential traffic impact, and the TIF agreement, which is supposed to be a tool to use future gains and taxes to finance improvements that will increase those gains. They were unsure that the gains would be there to cover expenses.

July 23, 2008, at 7:00 p.m.

CRESCENT DEVELOPMENT GROUP LLC; PONUS RIDGE, LLC; METRO AND ALICE GOSNELL OLESKA; ALICE GOSNELL OLESKA; AND STANLEY G., III, OR JEAN M. CLINE – REZONING (cont'd)

Those who spoke in opposition were: Stephanie Haskins and Darris Cash

Mr. Pyles made the following comments:

I appreciate the opportunity to speak today. The comment that I made earlier tonight was because Monday, at Staff Briefing, I was prohibited from speaking on this. I appreciate people like Ms. Armstrong who say if we don't speak up, we lose our freedoms. I am supposed to represent one-seventh of this county, and I have never been enjoined from speaking before, but that is part of what has concerned me about this project from the beginning. It has been on such a fast track without time to raise questions. I think when people look at these numbers, they are going to question either our sanity or what we're getting out of it because it doesn't make sense from a financial standpoint. It doesn't make sense from a road standpoint. It doesn't make sense from a school standpoint. It makes no sense to do this now.

One of the things that troubles me greatly about this is that this spending has never been looked at from the outside. The only numbers have been provided by the developer and accepted by members of this Board as that is what it will cost. We have a Virginia Procurement Act in Virginia that requires that we take certain steps before we put out the people's money. This is what it looks like for Augusta County. The State has also given us the opportunity, if we wish, to use a public/private arrangement so that we can do things that move things along that work better with a developer for infrastructure. That is here. These are the things that give assurance to the citizens that the dollars are being faithfully and well-spent. These documents . . . these papers were never examined. No one had an opportunity to bid on this project whether or not it would cost a certain amount to us or not.

(Had a presentation displayed) When this first came up, it is a very complex issue. Not only are there multiple agreements that Mr. Coleman alluded to, the agreements of which we have not yet seen, for the collateral agreements with VDOT, with Industrial Development Authority, but this is about different spending funding sources, whether it be from highway accounts, straight tax dollars, or from future tax dollars. I asked to have it tabled after it came up with just two days notice. Earlier, Mr. Coleman talked about all that we went through in preparing our ordinance for fire. We do that for a lot of things. We spent some time looking at it. Three members of this Board did not want to look at it one more day. They didn't even want to look at it one day. We were to get it and we were to vote on it and I raised the issue, in fact, when Mr. Garber joined Mr. Howdyshell and myself, we tabled it. I've been made to feel like I'm a bad guy because I'm trying to raise an issue—trying just to share, from my standpoint. This standpoint is based on thirteen years from being on this Board, Chairman of the Service Authority, so I know project costs, thirty years as a Purchasing Agent, so I know about contracts and dollars, and what it is for me to raise an issue to this Board. We have two members. Mr. Garber was here before, but we have one who is a fairly young man who may not have all the background that he might need.

During the discussion held originally with Mr. Coleman, he referenced several different studies as being in support of this development. I looked at each of those references and found problems with them. These are the areas that were brought up by Mr. Coleman in support of his contention. Route 636/640 Corridor Study; Route 608 Corridor Study; the Crescent Development Traffic Impact Analysis; the Fishersville Small Area Plan; and the projections that I have made for school populations.

This first part has to do with the 636/640 Corridor Study that was referenced. That study, underlined 'the western limit of the corridor is the end of pavement just west of the Augusta Medical Center'. This corridor study had nothing to do with this thoroughfare. It ended just as it got past the hospital. So there was nothing in that study that said that this would make sense or something that we ought to do. But within the 636 Corridor Study, they did analysis of the road in front of the hospital. That's Goose Creek going to the intersection. Without this development and without the other planned development that Mr. Coleman has in store with us . . . Without those growths, this is the projection of what would happen to that intersection just with standard growth. For the 636 (and they call it intersection with 285) otherwise known as 608, we would be at a "D" status. That means how far the cars would

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back up coming down in the morning and going out in the evening without any additional traffic. So we already have problems there. As Mr. Cash alluded to, there have been plans to improve those roads for some time. Within the 636/640 Corridor Study, that is supposed to be a five-lane road with a couple of different stacking lanes, both going to 608 and coming off of 608. They are not planned, yet. We don't have money to do what we need to do, but we're coming up with money for things we don't need to do.

Next, is the Route 608 Corridor Study. That is the one that takes it all the way through. In that, the study, where I have it highlighted says: 'For future planned developments along Route 608 Corridor, we recommend that a detailed traffic impact analysis be provided for any development with a potential to generate 100 new peak hour trips. Based on that analysis, additional auxiliary lanes (left and right turning lanes) may be required.' So the 608 study says before you put new developments in . . . and we're talking about 1298 new homes . . . that we are supposed to do a study, but there has been no study done to see how those houses would impact that intersection.

Next, is the Crescent Development Traffic Impact Analysis. In that, I'm putting that there to show you the limits to the study. The study does not look to taking this road through. So it makes no indication there. But what it does do, it shows what kind of traffic would be created just by the 420 homes, not with also the 878. So for peak hours, it will create 525 and 537 cars. We were asked to look at something if it created an additional 100 new cars. This, just the 420, would create 537. This does not count the 878 other homes which was for the next one.

Next, the young lady who spoke against the housing development, there is something even more particular that is troubling to me. Mr. Coleman, in talking about this, talked about the Fishersville Small Area Plan. This is a copy of the draft that was just done July 11th of the Fishersville Small Area Plan. Its plan between now and the year 2028 is 1,294 homes. These two developments, by themselves, are over 1,294. What we were supposed to have over 20 years, we were going to get in the next 10 years. That is not counting all the other homes that people have planned to build out there. Homes are going to be built without a \$10,000 per home subsidy that would be generated by this. You see Mrs. Armstrong made another very good point. She showed the catalog of homes that are not selling now in Augusta County. We're going to add to that? It doesn't seem fair to those folks who have homes and who already have plans to build homes would do it. But to add 1,294 homes to what we already have, to do the 20-year plan in 10, without counting anything else, is too much too fast.

I am charged often as to 'where did you get your facts?' I just get them from what people give to the County and I put them together and I try to simulate the information and I try to spit it out in a normal way. This first part is from Ms. Earhart saying that the developer said there would be 420 homes for this subdivision we're getting. This is the Cathcart Subdivision which shows 878 dwellings that goes with it. So that's where my numbers are coming from. The planned numbers, what is supposed to be at Fishersville for the next 20 years, is from the Fishersville Small Area Plan. What I say is being proposed is from the documents that we received from the developers.

The young lady brought up a couple of other points that are well-stated. What will our costs be for this? Fire and Rescue said that 'With the requested increase in both business and residential units in this development, the County needs to consider that additional career staffing and even an additional combination fire/rescue station should be considered.' We had a conversation here, today, about Grottoes failing, that we have problems all over this County that are going to take more dollars to support and uplift our volunteers or add more career. Why in the world would we want to add another 10,000 people, whatever we get from this—5,000 people, in an area that is already experiencing problems? It will be a cost that we have no revenue to fund. Because all the revenue will be going to the road for the developer.

Next, again, is the point about education, and that our schools are already at capacity at Wilson. When those homes that Mrs. Armstrong has back there finally sell, and a lot of them are in the Wilson area, we're already going to have problems meeting the student needs. Why would we want to add another 1,294 homes increasing the pressure to the schools? A problem with it as well is that we have a commitment to the School Board that half of all growth revenue from real estate becomes theirs, thinking that as residences grow, you get more children, they need more funding. That has been our position with the School Board for as long as I have been on the Board. We met with the School Board about a

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month ago, and placed our commitment to hold to that. This is a way to get around it. That new money will not go into residential increase. It is held aside in a different bucket so that the schools will increase 2 or 300 more kids without the normal additional revenue that they would expect from Augusta County.

Mr. Coleman said that I kept saying that student enrollments would not increase. I said it in 1998 because of my study of birth rates, of promotion rates, of migration rates in the County. From that, I determined that our population would be stagnant if not declining. And that, in fact, is what has happened since 1998. But I have been sounding the alarm for some time that that is going to change. I track the births of Augusta County every year. I track the number of kids starting in kindergarten each year. And I do an analysis of a five-year offset of how many we're going to get in the future. It is hard to read, but in the first column there is our births since 1984. Our last four years, after many years of all of them being in the 600s, our last five years have been 709, 766, 735, 827, and 884. These are huge increases. Last year, according to the census, most children born in the United States since 1957, when we had the population growth caused by what was then known as the 'baby boom'. That's coming back again! We are going to get children. They are out there now, they are just not old enough, yet, to start schools. On the next page, I projected, based upon historical standards of what we normally get from births in a year, I have determined that over the next five years, our elementary education will go up 10%; our middle school enrollments will go up 6%; high schools will go down 5%. The two that we are going to have the most increase in, from just the things that are out there now, we don't have school capacity to handle them. I have been accused of not wanting to support growth and development in the Fishersville area or anyplace else. Absolutely not true! I put out a proposal to the School Board where we should increase the size of Wilson Elementary to 750, that we should take the middle school up to 600 and some to handle what we're going to get now, not adding new stuff.

Next, I see, since I gave that report at the last Board meeting by the School Board, they are now dusting off the plans that they put together in 2000 to increase the size of that school. They see it now. That's a cost that we're going to have. But we'll have no taxes from these new homes to pay for it because all the taxes are going to the TIF, the Tax Incremental Financing.

Next, this is going to be a little tricky in explaining. It takes awhile. I know that members of the staff didn't seem to understand it, and I'm not sure that all the Board understood it. But the commitment here, are two things. This is a County obligation. The first is a collateral agreement for construction by VDOT. That is for the entrances on Route 250. One of the gentlemen in support said these were things that we had to do anyway. No, sir, that is not true. These are being put in for the development. He has to have access to the road. And he has to have two accesses to the road! The one access that is already planned, is only a right-in and right-out. You can't have a 420 residential unit where you only have one entrance that is just a right-in-and a right-out, so they need another that allows for left-ins and left-outs; and going across the median, that requires a traffic light. VDOT would not allow them to put another light fifty yards from where we already have an intersection, so that is going to have to go in. So that will be part of the costs of the development. There were no plans. We have nothing in our Six-Year Plan to improve that stretch. So that is a new cost that was not in the Plan before. One other thing on VDOT, I don't know what the agreement is. No one has brought an agreement to us. Normally, with a VDOT plan, it is on the Six-Year Plan. As the Administrator told me, today, normally, they are on the Plan for six years, and then there's a couple of years after that before it gets done, as some of the folks that sat here before, they have left things on the Plan for 20 years. Now, we don't have money for those things, but we're going to put this in. So, how are we going to fund that? Where would that money come from? Well, we might pull from one of those other things. But this was not something we had to do. How will it be speeded up? How will we do it? This doesn't say anything in here that we have to do it fast. Is the developer going to put in his development and then, when we get around to it in 20 years, he will have entrances to it? No. We're going to have to do it faster. And then it is not then speculated on where we're going to get that money and how VDOT is going to move that ahead and what is going to take a backseat to it.

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Next, this page shows the construction costs. This is all that we got in the beginning. When you look at that, you say, well, you know, excavation costs \$2 million, total \$4,261,951. Okay, here's the other \$517,017. This is the agreement. The \$517,017 of public improvements table B, they are our responsibility per agreement to build. No matter what it costs. There aren't any allowances if it costs more than \$517,017 that there will be a change there. That's our costs. Now, the other, the \$4,261,951 . . . On the page before, there was \$3,744,934 our costs. The difference in that is that \$517,017. The costs that the developer would have to normally bear—the \$517,017, they said 'you pay that, and then the cost that you owe, take out the taxes'. It was a mix-up. They should pay for what they need to put in and then we put in the road when we need to. But what is most unsettling about this, and you won't read this, are some of the costs that went into that \$4,261,951. First of all, there was the cost for the appraisal. Now, there was a mistake made they said, after I brought it up, \$100,000 error in their favor. There is also in here . . . After they have the normal cost for excavation, you saw \$2.2 million, but in here, the cost for excavation is only \$809,000. The cost for streets, \$354,000; drainage, \$137,000; roads, \$78,000; miscellaneous, \$173,000; and then there's a possible change order, and that's rock. It is 26,000 cubic yards at \$35 a ton for \$910,000. I don't have a problem with that number. That is possible. But the way that they put the rest of the numbers, the percentages that they bang against this is that there is \$910,000, there is 12% being applied for engineering. It is not going to take \$100,000 worth of engineering to pull the rock out. There is 15% allowed for profit and overhead. This is some bargain for the County? There was no shortcuts put on us. They have a 15% increase for profit. They also had the rock as a contingency. Then they got another contingency of 20%. So, now, you got \$1.4 million for a contingency. It is not going to cost that. The gentleman, Mr. Fitzgerald, says it is interest-free. They have a category for interest--\$300,000. It's not interest-free. There is no free ride here. But this standard was set by them.

Next, is what they say we owe—what it is going to cost us. It comes to the \$517,017. You will note in here that it does not have the 20% contingency. Does that matter? It does for this reason. What they're doing is lowering what our costs are, while raising their costs. If it were apples to apples, this would be another \$100,000 and it would come off of our bill. If they had 20% less on the other, it would be down \$400,000. What happens is that we are obligated. So they have this thing that says it is going to cost \$4.2 million with all of these contingencies. I had a developer call me and said it is not going to cost \$3 million. That is to be determined. What we're saying is they can spend up to \$3.7 million what we obliged to pay and then they'll have their roads at no costs. We will have paid for the \$517,017; we will have paid all of this. It is to their advantage in working out these numbers to lower our costs and increase theirs. Extra 20% contingency, \$300,000; extra \$100,000 for interest; mistake on the appraisal.

Next, is about the appraisals and how that was wrong and that seems to have been corrected. But I would wonder if the agreement has been changed to reflect a lesser amount for us. I went over these things with possible change orders. Just to give you an idea, things that you know. I think you understand rocks. There is also a proposal for seeding. I think we all know what seeding costs and how it ought to be. Now, they had seeding and erosion—they had that at \$5,000 an acre. The problem is there is only 8.66 acres in the whole area, and there is another 2 acres that is going to be pavement. So there is only 6 acres that is going to be seeded. So we're going to pay \$10 an acre times \$5,000 times 12% times 15% times 20% where it comes up that the cost to seed those 6 acres will be \$73,500. Seeding costs roughly \$11,000 an acre. My boys and I can do it for a lot less than that. And we will be happy to do it for \$50,000.

Additionally, the rezoning that follows this is not without value. Just the value increased of that property will be \$1.4 million. So we have a situation where we can't put the roads through. It is only justified by putting in the second development, which is another \$11 million of road. All those houses! And then they'll be feeding into a road that can't support them. We have a bottleneck. You don't improve a bottleneck by making the size of the bottle larger. You have to increase the size of the neck, and that's what we haven't been doing. There is going to be talk here tonight about the TIFs and why we ought to put it there. We had a TIF agreement when Mr. Beyeler first came on the Board. This is what Mr. Beyeler said about TIFs then. "I want the people in the audience to know that the TIF is all County money. That is a credit they get when they develop it. That's all County money. It isn't going to our credit. It will be coming to the County. The Six-Year Plan is supposed to be road tax money and that is where the money is supposed to come from for roads." Back at that time, Mr. Beyeler felt we ought to pay for roads with road money. Now, we believe we ought to pay for roads with TIFs. What I am saying here tonight is that this doesn't make sense to us. But

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what bothers me the most is the determination to have this rushed through. Just a vote. We couldn't table it to understand it. I wasn't allowed to speak on Monday to go over this so we could have a decent exchange by this Board. Be careful when folks want to rush things through. What's happening? This is not the way we are supposed to do things in Augusta County. We have a decent tax rate because we don't spend money. Mr. Howdysshell fought it before and we talked about other roads being put on the backburner. We have no business getting into developing this road for this developer. He is welcome to do it on his own, but not on our dollar.

Chairman Beyeler made the following comments:

Mr. Pyles is saying that I didn't allow him to speak Monday. A month before when we had people here to speak about the additional development, he didn't want to hear anything about it. When we went to view, he did not have time to go look. So I don't want to hear from Mr. Pyles that he is not allowed to speak. Now, he can say he had other things to do. So do the rest of us.

Mr. Pyles' response:

Mr. Chairman, I listened to the full extent of it, but you had to find out information. We didn't have this information. Did you have all this information? We didn't have it and that is what I wanted to share with the Board.

Chairman Beyeler's response:

I had some of it and it was a process that we were going through.

Mr. Pyles' response:

The public can decide whether or not it was worth it to get more information.

Chairman Beyeler's response:

Mr. Pyles, you and I will have to agree to disagree.

Mr. Pyles' response:

But I have never not been allowed to speak before. And it disappointed me that my fellow Board members were not saying anything at that time because sometime they might not be allowed to speak. I represent 10,000 people, and I'm supposed to be able to share their concerns with this Board before they make a decision. For a Chairman to unilaterally use his position to say 'you cannot speak' shows the problems with this development. It has to get through no matter what.

Chairman Beyeler's response:

Mr. Pyles, we all basically represent the same amount and you were the only one that was disagreeing to do something.

Mr. Coleman made the following comments:

Well, Mr. Chairman, I have really been sitting here and listening and, intentionally, I've been trying to think—I've given a lot of thought to this over the past month, and, obviously, I have given a lot of thought to it over a long period of time in excess of a couple of years that I, since it is in my district and I have been working with a lot of players: VDOT, the County, Balzer & Associates, the developer. So I am just going to kind of start and I beg your indulgence. We have all sat here and very intensely listened to the description of this entire

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situation by Mr. Pyles and I have my own account that I appreciate the opportunity to share with you. Mr. Pyles and I, obviously, see this differently. I certainly have worked diligently. I read his letter to the Editor. I went home and processed all of the concerns. Any and every time that I have had an opportunity to hear what it is that concerns him, I afforded him an opportunity since we tabled this to get together and talk in a professional way about this development. He chose not to do that. He chose to come in and tell me what I needed to do. I politely told him I did not agree to that. I would not do that, and that he and I would continue our discussions Wednesday night, which is where we are, and then this Board can decide. One of the things that I have done diligently over the last month since we tabled this is that I have been in touch with every Board member. And every Board member that is here can attest to the fact that this conversation went something like this: "Is there anything that I can do or get for you—any questions or concerns that you have about this particular project?" The rezoning itself, although there has been very little discussion about the rezoning. Most of the discussion has been around the TIF. I was respectful to each of those people to meet them where they were at their comfort level. If we chatted on the phone and if that met their need, or if, in fact, they wanted to meet face-to-face with me. Because I truly and sincerely wanted to know.

Now, having said that, approximately two years ago, Scott Williams approached the County--Scott Williams is the principal owner of Crescent Development—about a rezoning of approximately 140 acres of land. He was discussing with the County and VDOT his preliminary plans and the need to have access off of Route 250. The County, before I ever met Scott Williams for the first time, and VDOT's staff said to Mr. Williams: "We have a road that is in our Six-Year Plan and has been on the planning horizon for quite some time. It goes back as far as the 1994 Plan. It's going to need to be designed and built. You have two options. You can either wait patiently for 15 to 20 years while I, and with the support right now of one other Board member, Mr. Bailey . . . Mr. Bailey put \$500,000 of his money into an account for this road project. The rest of the money of which there is \$1.8 million sitting in an account with the State to build a road that years ago VDOT projected the cost at over \$12 million." In January of 2002, this predated me on the Board. I joined this Board in January 2004. 2002, VDOT had a citizen information meeting regarding the three proposed options. They were three options that VDOT had come up with in terms of a new access road to the hospital off of Route 250. In January of that year, one of the first things I was hit with was the need to review the options and bring a recommendation to this Board for consideration. I was told that the County and the State is hindering landowners from doing anything with their land because they, nor we, knew where the road was going to go. So I hustled out there with Jerry VanLear at the time, the Resident Engineer, and some other County people went along and we looked at the options. I recommended the current option under consideration to the then Board—and it was this Board minus the two new ones—Kay Frye was on this Board, and Jim Bailey was on the Board, and they concurred with the recommendation that this was, in fact . . . Matter of fact, this road was on the Six-Year Plan when I came, and I was asked, as a part of this process you heard described here tonight—the Six-Year Secondary Road Plan, whether I would continue to support that or not. And I did because I saw the Goose Creek Corridor, that it is called, Route 640, from the intersection of the hospital, towards 250 towards Waynesboro, and then the section we're talking about is Goose Creek, Route 636, that literally just goes beyond the hospital and goes into a dirt road. We determined a long time ago that we were never going to do anything to the dirt road because it goes under a railroad track. The current road, 1.23 miles is part of our plan, has been. Crescent Development was told that they would either need to build it or wait. They chose to, in good faith, to pursue a public/private partnership with the County. So we began that discussion and we talked about something that is fairly commonplace in Augusta County—Tax Increment Financing. We did it with Shields, when Shields moved old Route 631, where Sheetz went in and Shields moved from a two-lane to a five or six-lane road. That is not what he bargained for. Matter of fact, he told us that he would never build another road without an approved set of plans. We are doing that with Bill Neff out of Harrisonburg. Bill Neff sold the property out there where it used to be named Ramsey Farm, going into Expo. He sold it to Dr. Hurt. We have a TIF with Dr. Hurt and he is going to build two more lanes in front of the Dominion Outdoors out there and the other industrial park that is across the street. So this is not anything new to us. The basic TIF agreement, the format that was followed, was a format that has and is being used for this agreement, and was developed by our former County Attorney and our new County Attorney came in and basically used that template and plugged in the numbers.

According to the current road costs . . . You all have heard about road costs; it is like 'where do these things come from? These numbers are inflated.' Let me tell you about the road costs. First of all, Crescent Development was given design requirements for the road by

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VDOT. Then Scott Williams went out and hired Balzer & Associates—they're here tonight—to say, 'to do a preliminary design, what would it cost us to build this road?' Well, those of us who are close enough to it, there are tremendous cuts and fields in this road. There is real estate involved. This road is to go right through the Oleskas' property, people who have lived up there 50 years. But they worked with Crescent Development to establish a fair market value for their house and their adjoining land with the notion that we are going to get the right-of-way. Right-of-way being donated is customary anymore. The developer comes to the table, they don't even question that they are going to donate the right-of-way for the road. And it has been a moving target since I've been on the Board. You know we can all remember in the early days of building roads the State and the County worked together to build them, or they didn't get built. Then over the time the target keeps moving as it should. Developers have been asked to do more and more: Put turn lanes in, cost-sharing traffic signals, donate right-of-way, any and everything that we possibly can get them to voluntarily do as a part of what is called a proffer system.

To build the road across the Oleskas, the house on the hill and across the Crescent property, was \$3.2 million. Where did that number come from? That number came from Balzer & Associates, our best engineering estimates. That is in fact what they are; they're estimates. Those estimates might change once we get the final design. Now, let me tell you something that is important for you to understand about how this process works, is that one of the things that we did—we sat down, "we" meaning, our Commissioner of Revenue, our County Administrator, sat down and looked at the kind of development that Mr. Williams was talking about developing, and this is the amount of tax revenue that we can expect to generate. Now, I knew I was going to be asking this Board to do something that was a tad bit out of their comfort zone. First, the TIF was potentially going to go beyond 10 years. Ten years has been the maximum. It could venture out to 12 years. Well, I'm happy to report, now, after talking to Mr. Williams, he is willing to cut it back to 10 years—12 years back to 10 years. Second, VDOT—Mr. Pyles is saying these numbers are not good numbers. These numbers are inflated. I don't know where he comes off saying that! VDOT, our State VDOT—district and residency office—has scrutinized these numbers. These gentlemen know that. I was in the room where they went down every number and had to convince VDOT, both at the district level and at the residency level at Verona, and let me also assure you, that we will not pay Scott Williams a dime until he does two things: 1) He generates the income through taxes that will come from that development; and 2) He will show us invoices that the County has to sign off on that, in fact, some other contractor—not Crescent Development—they're not going to build the road, they're going to hire some contractor to build the road—and we're going to reimburse him not to exceed \$3.7 million to do that. If he can build it for \$2.5 million, that is all he is going to get paid for. Because one of the things we have all been told consistently over time is that the private sector can build roads quicker and cheaper. This little thing we heard Mr. Garber talk about awhile ago—\$1,000 to buy some land to improve the site distance on a project in his district. VDOT just told us Monday: 'that is the most sensible way to do it, but if you expect us to do it, it is going to cost a pile of money'. Because the State Code requires that they do things that the State Code cannot require to be done in the private sector.

Public road improvements; let me talk about that. There is confusion about the fact that these public road improvements are a direct result of Scott's development. And Scott is going to pay for them! Now, what we're going to do, we're going to do some trading to actually let him do some things back with the Cline property that we can't do in exchange for us taking money out of the Secondary Road Plan, which is already on the books; there is \$1.8 million sitting in it. In working with VDOT, they're going to be doing in concert with us, they're going to be setting up this as a project in the Six-Year Plan. I mean these things are out there in the future. When I got on the Board, I was blown away by the land that was already rezoned that there has been no movement on. Let me tell you what will dictate movement: the market, and the market will dictate the kind of development that will go, whether you need single-family, whether you need townhouses, whether you need condominiums; whatever you need. Because the last thing Crescent, or any developer, wants to do is build homes and build a retail center over there and just have vacant buildings. Now, people will say to me: 'Well, you got vacant buildings down at Windward Pointe.' Yes, we have vacant buildings down there, and that is a problem of Wide Wires,

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LLC, out of New York. They are gradually getting people to come. They have just opened a vet office and they are opening up a new restaurant.

The Plan calls for the road to be built in phases. Now, trust me, if you can, I'm not going to live long enough! I seriously question if anybody on this Board is going to live long enough to ever save enough money to build all the projects that we want to build out there and need to build. My attitude is I take the hand I'm dealt. If I can buy something, then we're one step closer. We had an opportunity here to work with a developer to get the road built much quicker, hopefully, much cheaper, and it is a road that I just beg to differ with my friend, Mr. Pyles, he doesn't see it as a priority; I do see it as a priority. A little later tonight, we will determine if this Board sees it as a priority, and then we'll go on.

Let me quickly summarize this, Mr. Chairman, this plan is not a good deal for Crescent Development. They didn't want to do it. We said, 'Look, this has got to be done. VDOT is not going to let all that traffic access out onto 250.' You heard, already, to jumpstart his project, we're talking approving a right-in, right-out with the idea that the traffic is really going to come out on this road. The notion that this road is not going anywhere-- that is not my long-range plan. My long-range plan is that this road is going somewhere; it is going to the hospital. And it is going to help our intersection out at Exit 91, the bridge; it is going to help our friends in Staunton; it is going to help our friends, whether they recognize it or not, in the western part of the County because when they're coming in to go to the hospital, they don't have many options. Some people will throw up Mule Academy Road. Mule Academy Road was never designed to be a primary access to the hospital. It was, at best, a band-aid. It was an expensive band-aid. When I first got on the Board, for a long time, I was paying back money that got borrowed by my predecessor to actually build that road.

I think it is good for the County. I think it is good for the taxpayers, given the fact that the developer is willing to assume all the risks. We assume no risks. All the risks are on him. He has to go borrow the money; he has to build stuff; he has to sell stuff; he has to have tax revenue come in; and then we are going to, based on the tax revenue that comes in, if it doesn't come in, and he never sells the first thing, it is all on his back. We're not assuming any of that risk. And then, for somebody to say, 'that's a good deal for the developer'. I just don't, personally, see it as a good deal. Let me assure you all that are here tonight, he did not want to do this. He went into this kicking and screaming. He wanted to access out on 250, and he wanted emergency access out the back of the development out on the old dirt road. We said, No, not an option. Either wait on us to do it, or if you are willing to do a public/private endeavor, we will do it.

If the development does not occur, we will not be receiving tax money, anyway. You probably read in the paper not long ago, Waynesboro entered a \$6 million TIF with the developers that are putting in Target and Kohl's and all that stuff that is going on over in Waynesboro. They are going to generate tax money into the city; the city is going to turn around and give it back to the developer. In the short run, that is going to bring some pressures; in the long run, it is eventually going to free those dollars up and they will be coming back. The County will still receive revenue. We have only talked about the taxes that are in there. We didn't put every tax in there. We're going to still see revenue from sales tax, meals tax, automobile, tangible personal property resulting from this project. This project will result in less road costs. One less project and free up revenue sharing secondary road funds that can, actually, be available for other projects wherever they may be! I have and continue to approach tackling road issues by doing what I can at the moment as opposed to waiting until there is sufficient money to complete the entire project. Remember the old saying: 'How do you swallow an elephant; one bite at a time.'

Mr. Garber made the following comment:

We have bounced around on a number of things, but I will try to leave all personalities out of it and I will try to leave some of the side of issues out of it. Really, we have two things. We have the road and we have the rezoning. Just the end of last year, we spent a lot of time and a fair amount of money redeveloping the Comp Plan for the County. I attended most of those sessions. Quite frankly, I would say that I am pleased with the participation because I figured that you would get a dozen people who were against something or another show up. That really wasn't the way it was. There was a lot of participation. There was a lot of participation, I would say, sort of a cross-section of people, and sort of talking about how they wanted to see things. I thought the process went a lot better than I would have thought it would, quite frankly. One of the things that I thought

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came out rather clear: most reasonable people expect there will be some development; most people really don't want to see the entire County chopped up in little quadrants. If you get right down to the costs of services (and we talked about a lot of different services that cost us money tonight), anytime you can put anything in a compact area, you have helped your efficiency. The further you run a school bus, the further you run a firetruck, the more scattered out you have your police per person, it costs money. You know, we have come to this realization. I had a little time to think about this, Mr. Pyles. I was very glad to participate in giving you another thirty days to think about this and everybody else. You know, there are serious issues sometimes; they don't need to be rushed. I had a little time when I was sitting in Dulles Airport, with a very good connection mind you, but I had some time, and I have never passed through Dulles Airport without reflecting that I am old enough . . . I remember when there wasn't anybody there. You could go up there, and there is this big building, you would have to walk around to almost see somebody. I don't know any of the individuals, but I would guarantee you there were people that took a lot of criticism for that being there. I remember being old enough to read articles about the "white elephant out in the middle of the cornfield out in Loudoun County". Well, I'm not sure where the eastern seaboard would be right now without Dulles Airport. Sometimes, you have to lead the curve or you get run over. One of the biggest issues in this County, beside Fire and Rescue, is our road situation. I am not pleased about the way we're building roads. I'm not pleased with what goes on in Richmond. I have a brother-in-law in the General Assembly and I have to tell him repeatedly, personally, if I had the power, I would lock them all in the coliseum with bologna sandwiches and a bottle of water until they resolved something. Don't tell me you can't reach some consensus, 51% of you agree on something and come home. Do something! But they don't do that, either. Roads are an issue. I didn't catch which year Mr. Beyeler was saying he didn't like to build roads this way. I don't like to build roads this way, either. If you think about what really upsets people in an area about the way things feel to them and how they feel about living there is when they can't get somewhere; is when they're sitting somewhere in traffic. If you are in an area where things flow, they are, generally, a little happier. We really are always behind the eight-ball. I know Ms. Frye told me once that we never build schools; we put them in trailers, first, and then we build schools. Well, we're kind of the same way with roads. We wait until we back up a long way and then we say, 'we need to do something'. We have spent a lot of money on various studies over the last ten years identifying needs. We've paid for a Comp Plan; we've paid for a study that some of you were happier with than others on this Board down my way; we are in the process of paying for an economic study. I don't think any of them are saying we need to build less roads. I don't like this approach, but I think it is the approach that we have to take. It is the approach of putting people together where we can pay for the core services. After 30 days of extra contemplation, Mr. Pyles and I have not discussed how I am going to vote. I don't know if he had any bets with anybody, or not, but I will be supporting this motion. It is a road that needs to be built. As far as it going nowhere, I am really showing my age, but I can remember when you could go to Weyers Cave, turn right, and drive on I-81 to Harrisonburg, but you couldn't turn to left to come to Staunton because the road wasn't there. We do have to do these things as we can. It is a little bit like drilling. Everybody says, 'if you drill for oil, it will take 10 years'. Well, how long is it going to take next year? Ten years plus one. We need to proceed. I will support the motion to proceed.

Chairman Beyeler made the following comment:

Let me point out. I see three of the Hoy sisters, here. You all know this has been on the books for 20-30 years. I remember it, when I was on the Board the other time, and this is something you always looked forward to, and we promised, but we never delivered. And it is not there, yet! If we approve this, tonight, this is the first leg, and, as you know there is more than just this first leg.

Mr. Howdysshell made the following comment:

Mr. Chairman, I was part of slowing this process down thirty days ago. One of the big concerns I had was the length of the TIF. That has been addressed. I believe with Mr. Garber this is an opportunity that we have to take advantage of. The hospital—that area over there—is not going to stop growing. You look back, when you first put the hospital in, it

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was sitting there in the middle of nowhere. Look at all the growth that is coming! The foresight to put this road in is better to look at it and get it designed and done now, than do what they have done down off of 64 where they had the 295-285 development come in and block everything. Look at what the costs were then! It gives us an opportunity to do our own research. I asked a lot of questions. I've talked to a lot of people. I was concerned with the length of the TIF. First time we went that long on one; it is not a new idea. I looked at this as an opportunity, and following our Comp Plan, that is where we want to grow, it is where Urban Service Area is. I'm going to support Mr. Coleman on this item.

Ms. Sorrells made the following comment:

I just want to say building houses does not cause growth. Houses are built to meet demand. Short of shutting and locking the door to Augusta County and passing an ordinance that says, 'everybody who graduates from high school and college has to leave', we're going to have residential growth. Our question is, what we struggle with, is how do we accommodate the growth and keep the tax dollars as low as possible because residential growth does put more demand on services and puts more pressure on your tax dollars. How we do that, as Mr. Garber alluded to, is the Comp Plan. We have a Comp Plan that was worked through for three years. In that final version, we said we wanted to put 80% of our growth in the Urban Service Areas. We want to put 10% of our growth in our two Ag areas. Right now, we're putting 39% of our growth in the Urban Service Areas, and we're putting 40% of our growth in the Ag areas. If there is a demand for 420 houses, there is a demand. So the question is, do you put it in the Urban Service Areas where you get your best bang for your dollar, or do you scatter them all over our Ag land, chop up our farm land, and dilute your tax dollars? I will give you one example of what I mean by diluting your tax dollars. The State pays us for an increase in population. It pays us for a Deputy Sheriff. I think it is 1,500 people we get money from the State to hire another Deputy Sheriff. If you take 1,500 people and you put them in a development like this, one Deputy Sheriff can cover that. If you take 1,500 people and you scatter across all of western Augusta County, there is no way one Deputy is going to get to it. That is what I mean by not diluting your tax dollars. That is why I support this motion. It supports the Comp Plan. It is helping the taxpayers. It is the best bang for the tax dollars.

Mr. Shifflett made the following comment:

I'll make one comment on this since my other colleagues up here seem to have addressed everything is with the growth—the 139 acres there and then the additional acres for the other development. It is going to come in at 1,300 homes going in there. I look at it that we are trying to do right by the Comp Plan by putting the growth condensed in these areas in our Urban Service Areas. What better place for it? There is Residential that is around this property—the 139 acres; there is Residential to the east, Residential to the west; you have a major interstate that runs to the south and a major highway that runs to the north. Even with the 1,300 homes, as Mr. Pyles says, it is too much too soon, if you read further in his presentation he gave, the Comp Plan states is that the population growth estimates, this increase could incur more quickly or more slowly. It is in the Comp Plan that this growth is coming. As far as the agreement with the road, I cannot ask a developer to pay for a road that was not even needed for his development to go through. Now, if this was vice versa, then, yes, he should pay for it, but that is not the case in this situation. I support the rezoning and the TIF agreement for the road.

Mr. Coleman advised that he would like to amend his motion after discussion because he put the original motion on the floor to start discussion.

Mr. Coleman moved, seconded by Ms. Sorrells, to withdraw the first motion.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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July 23, 2008, at 7:00 p.m.

CRESCENT DEVELOPMENT GROUP LLC; PONUS RIDGE, LLC; METRO AND ALICE GOSNELL OLESKA; ALICE GOSNELL OLESKA; AND STANLEY G., III, OR JEAN M. CLINE – REZONING (cont'd)

Mr. Coleman made the following comments:

A couple of things have been mentioned. One, the error that was made regarding the right-of-way involving the Oleska property. That was certainly a point well taken. It was made; we have looked at that. My motion will be to reduce the TIF by that amount: \$99,792. I thank Mr. Pyles, in particular, for that. I truly believe that that was an error. When Mr. Williams actually went back and looked at the notes that he used to tabulate that, he was able to see he had used a wrong number. One of the things that I want to say that is important for you to take away from here. These are the best numbers that we have to move forward. We're not going to pay him anymore than it costs to do the project. Be comfortable, and sleep comfortable, that we will scrutinize those invoices when they come in.

Mr. Pyles asked Mr. Coleman:

Did you say these will be just invoices that come from contractors? They will not be able to bill us for interest or profit or that sort of thing?

Mr. Coleman's response:

Now, the profit margin is the profit margin that he is going to potentially face with other contractors, not his profit margin. And the interest, he was told, and I will say, publicly for the record, tonight, he will not be paid for the interest on the money that he was borrowing. He was told that upfront by the staff and I am telling him that, again, tonight, and they will reinforce that every step along the way. Don't send something through that would show we're paying you for the interest on the money you borrowed.

Mr. Pyles' response:

Mr. Coleman, could we put that into the agreement that we will only pay for invoices from contractors?

Mr. Coleman's response:

I don't see any particular problem. I would make sure that the question Mr. Pyles is raising that there is not something that I'm missing in that because I'm too quick to say. Because, as I understand it, and we might ask the attorney to speak to that because he helped to craft that language in there that that language is in the agreement that he will submit invoices. First of all, he has to generate the money from his development. Then, when he starts to do things that are part of the agreement, and he has the work done, he is going to submit us an invoice.

Mr. Pyles added:

That he can't submit us an invoice for anything other than actual work done, not putting in profit or interest, or one of their own invoices.

Mr. Coleman added:

What the work cost from the people that he contracted with to do the work.

Mr. Pyles asked Mr. Coleman:

So we can put that into this agreement and with the Industrial Development Authority?

Mr. Coleman asked for Mr. Morgan's opinion.

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Mr. Pyles made the following comment:

The only thing I was looking at is when the costs were put in, they included the \$300,000 for interest, 20% contingency. They can't add a cost. If they're moving rock, it is just going to be the cost of the rock. It is not cost for engineering on top of that.

Mr. Coleman made the following comment:

It's going to be the normal things that are customary with any contract; there's a contingency amount that is allowable. Their engineering costs that are allowable and the profit. My understanding with that is that this profit thing is not his profit, it's that margin that people he is going to have to contract with to do the excavating and to do the actual construction of the road.

Mr. Morgan made the following comment:

On Page 7 of the agreement, under Paragraph 3.3 **County Contribution**, it states in part, 'subject to appropriation, the County agrees to contribute to the Industrial Development Authority sums sufficient to reimburse the Developer in an amount not to exceed Three Million, Seven Hundred Forty-Four Thousand Nine Hundred Thirty-Four Dollars (\$3,744,934.00) for costs incurred by the Developer in connection with the construction of the Road Improvements. In order to obtain such reimbursement, the Developer shall deliver to the County invoices for such costs, together with evidence acceptable to the County of payment thereof by the Developer. No reimbursement shall be made by the County Industrial Development Authority unless and until the final plans for the Road Improvements are approved . . . '

Mr. Pyles asked Mr. Morgan:

My only question with that is invoices can be generated by anyone and say it is part of the construction costs because in the body of the agreement referencing the costs, it has down there interest and profit. So you could see an invoice generated by the developer to cover those things. If we could make that clearer so that it was only for those contractor costs that they are being billed for, then I am very comfortable with that.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the proposed development agreement, as amended, **(to reflect: 1. Section 3.3, Page 7, is to revise the contribution from \$3,744,934 to \$3,645,142, which will deduct the error that was made when calculating the cost associated with the right-of-way across the Oleskas property. 2. Section 6.10, Page 14, to revise the time of the agreement from 12 years to 10 years from the certificate of completion)** between the County of Augusta and Crescent Development, the proposed agreement concerning construction of Route 636 relocated between the County of Augusta and the Industrial Development Authority, and the proposed contribution agreement between the County of Augusta and the Industrial Development Authority; and that the County Administrator be authorized to execute these documents, and that he and the County Attorney be authorized to make adjustments in the form of minor amendments to these documents that are not inconsistent with the approval of this Board.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Nays: Pyles

Motion carried.

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July 23, 2008, at 7:00 p.m.

CRESCENT DEVELOPMENT GROUP LLC; PONUS RIDGE, LLC; METRO AND ALICE GOSNELL OLESKA; ALICE GOSNELL OLESKA; AND STANLEY G., III, OR JEAN M. CLINE – REZONING (cont'd)

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance, with revised proffers:

ORDINANCE

A request to rezone a total of approximately 139.3 acres from General Business, Single Family Residential, and General Agriculture to General Business with proffers (approximately 27.3 acres), Single Family Residential with proffers (approximately 26.3 acres), Duplex Residential with proffers (approximately 38.5 acres), Townhouse Residential with proffers (approximately 35.9 acres), and Multi-Family Residential with proffers (approximately 11.3 acres) owned by Crescent Development Group LLC, Ponus Ridge, LLC, Metro and Alice Gosnell Oleska, Alice Gosnell Oleska; and Stanley G. III or Jean M. Cline located on the south side of Jefferson Highway (Rt. 250) across from the intersection of Jefferson Highway (Rt. 250) and Woodrow Wilson Avenue (Rt. 358) in Fishersville in the Wayne District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel numbers **72, 72B (portion), 92, 74A** on tax map number **66**, parcel number **2** on tax map number **66C (1)**, and parcel numbers **A, B, C, and D** on tax map number **66C (5)** containing approximately 139.3 acres total are changed from General Business, Single Family Residential, and General Agriculture to General Business, Single Family Residential, Duplex Residential, Townhouse Residential, and Multi-family Residential with proffers. More specifically, the acreage being changed is as follows:

- 2.11 acres from General Business to General Business with proffers
- 1.59 acres from General Business to Single Family Residential with proffers
- 22.98 acres from Single Family Residential to General Business with proffers
- 5.37 acres from Single Family Residential to Townhouse Residential with proffers
- 1.97 acres from Single Family Residential to Duplex Residential with proffers
- 2.73 acres from Single Family Residential to Multi-Family Residential with proffers

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- 2.65 acres from Single Family Residential to Single Family Residential with proffers
- 30.54 acres from General Agriculture to Townhouse Residential with proffers
- 36.57 acres from General Agriculture to Duplex Residential with proffers
- 22.03 acres from General Agriculture to Single Family Residential with proffers
- 2.18 acres from General Agriculture to General Business with proffers
- 8.59 acres from General Agriculture to Multi-Family Residential with proffers

The following proffers apply to the rezoning:

1. Applicant will design and build Rt. 636 Relocated as a 2 lane facility with required turn lanes from its intersection with Rt. 250 through the Applicant's and the Cline's property to the property boundary of TM 66C (1) 11, and dedicate 120' of right-of-way as generally depicted on the Conceptual Plan entitled "Myers Corner" dated May 22, 2008 with revisions dated June 16, 2008 and prepared by Balzer & Associates. Phases I and II of Route 636 Relocated will be built as generally depicted on the Conceptual Plan.
2. There will be no direct lot access onto Rt. 636 Relocated. The only access points will be the street connections as generally depicted on the Conceptual Plan entitled "Myers Corner" dated May 22, 2008 with revisions dated June 16, 2008 and prepared by Balzer & Associates.
3. There will be no lot or street access onto Existing Rt. 636.
4. The system of open space in the development will be as generally depicted on the Conceptual Plan entitled "Myers Corner" dated May 22, 2008 with revisions dated June 16, 2008 and prepared by Balzer & Associates. The open space will include retention of the existing hedgerow/fence along the western property boundary with the Troxell and Pingry tracts in at least a 5' strip of open space as depicted on the plan. The developer will install 4' wide paved walking trails throughout the development and connecting the areas of open space within the development. The paved walking trails will be maintained by the development's HOA. In lieu of walking trails, sidewalks may be built along some streets. The net result will be a pedestrian system from Route 250 to existing Route 636.
5. If street lights are installed, they will be installed and maintained at the expense of the development's HOAs.
6. Trash collection will be provided by the HOAs.
7. Applicant will dedicate to VDOT a minimum of 24 feet of right-of-way along Rt. 250.
8. The minimum size, defined as the aggregate area of the finished floor space of all floors, of the townhouses will be 1,000 sq. ft.; of a duplex will be 1,100 sq. ft.; and of the single family homes will be 1,200 sq. ft.
9. Development of the property before the initial stage of Rt. 636 Relocated is built will be limited to issuing building permits for not more than 40,000 sq. ft. of business property and not more than 100 residential units. Development of the property before Phase II of Rt. 636 Relocated is bonded and/or construction begun will be limited to issuing building permits for no more than 200 residential units.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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A five-minute recess was taken at 9:15 p.m.

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July 23, 2008, at 7:00 p.m.

ANNUAL AUDIT

The Board considered new GFOA auditing standards and authorization of Chairman to sign engagement letter.

Jennifer Whetzel, Director of Finance, advised that a brief presentation was given on Monday at the Staff Briefing. Due to these new standards, the auditors are requesting that the Chairman of the Board sign the engagement letter. The engagement letter details the work that the auditors are going to do and the requirements the County has for the audit for 2008.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the request.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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MIDDLE RIVER RECREATION PROJECT

The Board considered rescinding October 24, 2007 infrastructure allocation for Verona Recreation Center.

Funding Source: #80000-8012-51 \$300,000

Patrick J. Coffield, County Administrator, advised that the Board received a request from Mr. Garber, of the Middle River District, asking that the Board reconsider a prior Board authorization for \$300,000 from the Middle River Infrastructure.

Mr. Garber moved, seconded by Ms. Sorrells, that the Board approve the request.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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2009 LEGISLATIVE PROPOSALS

The Board considered legislative issues, priorities, and proposals for 2009 Virginia General Assembly, as revised.

John C. McGehee, Assistant County Administrator, reported that the revised 2009 Legislative proposals, which were requested from the Staff Briefing on Monday, were attached to the Board's agenda.

Chairman Beyeler asked Mr. McGehee to go over the requested changes. Mr. McGehee stated that the sentence was deleted in the third paragraph of "Transportation". Erosion and Sediment control was added under "Mandates" indicating that JLARC is to study any pertinent regulations promulgated by the Department of Conservation and Recreation with respect to storm water management and land disturbance. "Aid to the Commonwealth" section was added, discussing the issues mentioned on Monday of the \$100 million to be paid back by the localities to the Commonwealth. Wording was

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2009 LEGISLATIVE PROPOSALS (cont'd)

changed to the Watkins' bill, under "Land-Use Decisions," to reflect "on- or off-site and non-cash voluntary proffers".

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board approve the request.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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STATE CUTS FY2008-09

The Board considered resolution regarding State Budget cuts.

Mr. McGehee stated that the resolution referred to Augusta County's portion of the \$100 million (statewide) that has to be paid to the Commonwealth for services that are shared local and federal-type services. Historically, the State has been a partner in sharing the costs of those services. In the last session of the General Assembly, at the last hour in trying to balance the budget, the \$100 million cuts shared by the localities were decided to help balance the State Budget. This resolution opposes this decision and wants the legislators to understand what affect these cuts had on government services.

Mr. Coffield distributed a revised State Revenue Analysis FY2008-09, reflecting 4.17% cut (\$337,000). Ms. Whetzel stated that a previous list indicated a total of \$260,000 as part of the \$50 million, but they did not include the wine tax being cut and ABC. Mr. McGehee added that, as a sideline to the ABC profits and wine taxes, that the State has shared with localities for years, in going back looking at the reassessment information, the section in the Code reflects that if you drop below 70%, you could suffer cuts in State funding. Those cuts are the ABC and wine taxes.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board adopt the following resolution:

RESOLUTION

WHEREAS, the General Assembly chose to respond to shrinking revenue growth by shifting to local governments the responsibility for reducing \$100 million of core services; and

WHEREAS, the Governor signed into law this \$100 million appropriation reduction for local governments in the 2008-2010 biennium without identifying the programs to be reduced; and

WHEREAS, these reductions are in addition to those made by the General Assembly and approved by the Governor affecting law enforcement, elementary and secondary education profits from the Alcoholic Beverage Control Enterprise Fund and distributions of wine liter tax collections, constitutional offices, the upgrade of wastewater treatment facilities in conformance with water quality standards and goals, and farmland preservation to name but a few; and

WHEREAS, the \$100 million reduction will likely be carried forward into future biennia forcing city and county governments to choose between raising taxes or reducing services.

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors does hereby support the recording of this intergovernmental revenue reduction from the Commonwealth as Local Aid to the Commonwealth; and

BE IT FURTHER RESOLVED THAT, this recording on all financial records shall be shared with the delegation, the Governor and local news media so that citizens understand the decisions made by this governing body in response to the Commonwealth's choice to delegate their constitutional obligation to local governments.

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STATE CUTS FY2008-09 (cont'd)

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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VRS – IRS AUTHORIZATION

The Board considered resolution providing for “formal authorization of Virginia Retirement System (VRS) pre-tax status for member contribution”.

Ms. Whetzel advised that the Internal Revenue Service issued a revenue ruling giving governmental employers until January 1, 2009, to demonstrate formal authorization of their pickup plans. A pickup plan allows the Virginia Retirement System (VRS) member contribution of 5% to be treated on a pre-tax basis. VRS had to conduct a full audit of all their previously filed resolutions and obtain another resolution that meets the IRS requirements. That resolution is before the Board for consideration tonight.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board adopt the resolution.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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CONSENT AGENDA

Mr. Howdysshell stated that he would abstain from voting because of his opposition of the Streetlight policy.

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board approve the following consent agenda:

MINUTES

Approved minutes of the following meeting:

- Staff Briefing Meeting, Monday, June 23, 2008
- Regular Meeting, Wednesday, June 25, 2008.

CLAIMS

Approved claims paid since June 11, 2008.

NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS

1. Considered authorization to advertise an ordinance to amend Section 110-13 of the Code of the County of Augusta, Virginia, to provide for approval of non-conventional sewage disposal systems in major subdivisions.
2. Considered approval of Lot #85H((1)) 4 in Wagner Field Subdivision as provided for in § 11-13 (D) of the County Code.

RURAL RUSTIC ROAD RESOLUTION – ROUTE 898

Adopted the following Rural Rustic Road Resolution for Route 898:

July 23, 2008, at 7:00 p.m.

CONSENT AGENDA (cont'd)

RURAL RUSTIC ROAD RESOLUTION – ROUTE 898 (cont'd)

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been made aware of this road being paved with minimal improvements; and

WHEREAS, this Board believes Route 898, Pine Chapel Road, should be designated a Rural Rustic Road, From: Route 608, To: End Of State Maintenance, owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

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STREET ADDITION

Approved recommendation to adopt the following resolution for addition of streets into the secondary road system (Wayne District).

WINDWARD POINTE, SECTION 2 - STREET ADDITION

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996 for comprehensive stormwater detention which applies to this request for addition.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **WINDWARD POINTE, SECTION 2**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

<u>Windward Drive</u>	
From:	Route 642
To:	0.28 miles north of Route 642
Length:	0.28 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right of way of 50 feet with necessary easements, for cuts, fills, and drainage as recorded in Instrument 050009726, Plat Book 1, Pages 6290 and 6295, recorded July 15, 2005.

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

* * *

July 23, 2008, at 7:00 p.m.

CONSENT AGENDA (cont'd)

STREETLIGHT REPORTS

Approved reports for the installation and/or upgrading streetlights at the following locations:

1. Route 250, Windsor Drive (Windward Pointe Subdivision) (Wayne District):

A request was received from the developer concerning streetlights that have been installed. The developer has asked the County to take over the nine streetlights that have been installed within Section 2 of Windward Pointe Subdivision in Fishersville.

On June 5, 2008, the Streetlight Viewing Committee (consisting of Bob Tait, VDOT, Supervisor Wendell Coleman, and Todd Flippen, Community Development) viewed this location. Kevin Swisher from Dominion Power was called to an emergency on June 5th, but later viewed the site on June 12th with Mr. Flippen in attendance.

The Committee determined that one of the nine streetlights (Intersection Windsor Drive and Windward Drive) met the County policy. The other eight streetlights did not have three occupied houses within 150 feet of the streetlight. The Committee recommended approval of the streetlight at the intersection of Windsor Drive and Windward Drive.

2. At the intersection of Birchwood Road, Woodlawn Drive, and Gish Lane, Staunton (Wayne District):

A request was received from the property owners concerning an intersection at Birchwood Road and Woodlawn Drive. The intersection is very dark and the neighborhood has experienced recent crimes of vandalism.

On June 5, 2008, the Streetlight Viewing Committee (consisting of Bob Tait, VDOT, Supervisor Wendell Coleman, and Todd Flippen, Community Development) viewed this location. Kevin Swisher from Dominion Power was called to an emergency on June 5th, but later viewed the site on June 12th with Mr. Flippen in attendance. The Committee determined that a streetlight at the intersection would serve three occupied homes within 150 feet and would be in accordance with the County Policy. The Committee recommended approval.

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AGRICULTURAL INDUSTRY BOARD ORDINANCE AMENDMENT

Approved authorization to advertise an ordinance to amend Section 2-34, Paragraph C, of the Code of the County of Augusta, Virginia, to appoint an Executive Director for the Agricultural Industry Board.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Abstain: Howdyshell

Motion carried.

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(END OF CONSENT AGENDA)

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July 23, 2008, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. Erosion and Sediment Control Emergency Ordinance – During tonight’s recess, the Attorney, County Administrator, and Director of Community Development discussed and reported that the effective date does not need to be re-advertised; therefore, an Emergency Ordinance can be considered tonight to handle the miscellaneous “twilight zone” items. Mr. Morgan explained that the Board would need to give the Director of Community Development and the County Administrator the authority to look at those applications that were pending and being pursued and apply the old rate to them if there is a feeling that they were being actively pursued at the time that the ordinance too effect. That would be good for 60 days prior to the effective date of the ordinance unless the Board decides to pass it as a permanent piece of legislation.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Erosion and Sediment Control Ordinance be removed from the table.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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Mr. Pyles moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance:

Emergency Ordinance

The County Administrator and the Director of Community Development are hereby authorized to determine that certain property owners were in the process of applying for and diligently pursuing an application for an Erosion and Sediment Control permit no more than 60 days prior to the adoption of the current Erosion and Sediment Control Ordinance, and that those property owners should be afforded the benefit of fees in effect at the time they began the application process. Upon such determination, the County Administrator or Director of Community Development is authorized to refund fees to the property owner paid in excess of those fees in effect prior to the adoption of the current ordinance or to accept such lesser fees if not previously paid by the property owner.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 2. Commissioner of Revenue Handouts:
 - a. Real Estate Market Graph
 - b. Elderly and Handicapped Ordinance

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July 23, 2008, at 7:00 p.m.

ADJOURNMENT

There being no other business to come before the Board, Mr. Howdysshell moved, seconded by Mr. Shifflett, that the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler,
 Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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Chairman

County Administrator