Regular Meeting, Wednesday, October 24, 2018, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman

Carolyn S. Bragg-Vice Chairman

Michael L. Shull Terry L. Kelley, Jr. Marshall W. Pattie Wendell L. Coleman

Pam L. Carter

Timothy K. Fitzgerald, County Administrator

John Wilkinson, Director of Community Development

Leslie Tate, Planner

James R. Benkahla, County Attorney Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of

Supervisors held on Wednesday, October 24, 2018, at 7:00 p.m., at the Government Center, Verona, Virginia,

and in the 243rd year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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The following students from Beverley Manor Middle School led the Board of Supervisors in the Pledge of Allegiance:

Brylee Kennell is in the SCA and hopes to become a doctor.

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Pam Carter, Supervisor for the Pastures District, delivered the invocation.

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BRADLEY ENTERPRISES, INC. - REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to Rural Residential approximately 30.67 acres (TM 69-64 and 69-64A) owned by Bradley Enterprises, Inc., located directly south of Sandy Ridge (Route 621) approximately 0.2 miles southeast of the intersection of Gilbert Lane and Sandy Ridge (Route 621) in Dooms in the Wayne District. The Planning Commission recommends approval.

Leslie Tate, Planner, showed a map on the screen. The rezoning would be in a portion of the Beagle Gap Subdivision and would open up access for the already zoned portion to have a secondary access to Sandy Ridge. The proposed general usage of the property is residential and general use stated in the Comprehensive Plan is low density residential. This matches the zoning classification requested.

Brasil Hamrick stated that he represents the applicant, Kenneth Bradley. The purpose of the rezoning is to provide better access to the overall Beagle Gap development. Beagle Gap will be a great asset to the area. It will require extensive water line and water tank storage improvements to the Augusta County Service Authority system.

BRADLEY ENTERPRISES, INC. - REZONING (CON'TD)

Ms. Bragg asked if there was an agreement with the Service Authority.

Mr. Hamrick stated that in order for the subdivision to be built a water storage tank will need to be constructed.

Ms. Tate pointed out that the zoning needs to be in place in order to proceed. Nothing about the zoning precludes the fact that they are required to meet the ordinance requirement.

The Chairman declared the public hearing to be open.

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

Mr. Coleman moved, seconded by Mr. Shull, that the Board approve the Planning Commission's recommendation for the rezoning.

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

Carter

Nays: None Abstain: Pattie

Motion carried.

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BRADLEY ENTERPRISES, INC. - REMOVE PROFFERED CONDITION

This being the day and time advertised to consider a request to remove the following proffered condition on TM#69-80A (portion) containing approximately 7.4 acres zoned Rural Residential and owned by Bradley Enterprises, Inc., located directly south of Sandy Ridge (Route 621) approximately 0.4 miles southeast of the intersection of Gilbert Lane and Sandy Ridge in Dooms in the Wayne District: 1. The minimum square footage for single family dwellings will be two thousand square feet. The Planning Commission recommends approval of the proffer amendment.

Ms. Tate stated that this is part of the overall subdivision. The remaining part of the parcel that is zoned rural residential does not have a minimum square footage dwelling size requirement. This would make it consistent with the entirety of the parcel.

The Chairman declared the public hearing to be open.

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

Mr. Coleman moved, seconded by Mr. Shull, that the Board accept the Planning Commission's recommendation to remove the proffered condition.

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

Carter S. None

Nays: None Abstain: Pattie

Motion carried.

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BRADLEY ENTERPRISES, INC., -- AMEND PROFFERS

This being the day and time advertised to consider a request to amend proffers on TM#68-127B and a portion of 69-80A containing approximately 57.665, zoned Single Family Residential and owned by Bradley Enterprises, Inc., located east of the end of Wild Cat Cove and south of the end of Beagle gap Run (Route 1621) in Beagle Gap Subdivision in Dooms in the Wayne District. The Planning Commission recommends approval of the proffer amendment.

Ms. Tate showed a map on the screen of the area. Pieces of the property were rezoned in 2007 and four proffers were attached to the rezoning including the minimum square footage for single family dwellings be 1,500 square feet and they requesting an amendment to reduce the 1,500 square feet to 1,200 square feet. The other three proffers are all lots will be served by public water and sewer, no dwellings will be built on the 57.665 acres until the street connection has been made with Sandy Ridge Road and prior to the issuance of the building permit for the 75th dwelling on this property, 2' of asphalt will be overlaid on Beagle Gap run from Route 340 to its terminus and on the entire length of Wild Cat Cove. The three proffers will remain the same.

The Chairman declared the public hearing to be open.

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

Mr. Coleman pointed out to the public that a Staff Briefing was held on Monday and each item on the agenda was discussed in length.

Mr. Coleman moved, seconded by Mr. Shull, that the Board approve the Planning Commission's recommendation to amend the proffer.

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

Carter

Nays: None Abstain: Pattie

Motion carried.

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CIMORA-MADRID AGRICULTURAL AND FORESTAL DISTRICT

This being the day and time advertised to consider a request to renew the Crimora-Madrid Agricultural and Forestal District. The proposed district encompasses approximately 648 acres and is located in the Middle River District lying between Route 784 (Pine Bluff Road) and Route 865 (Rockfish Road) and south of Route 612 (New Hope and Crimora Road). The Planning Commission recommends approval.

John Wilkinson, Director of Community Development, stated that the Agricultural Forestal District is set to expire of November 24, 2018. Everyone in the district renewed.

Mr. Shull asked about the property owners that have not been heard from.

Mr. Wilkinson stated that letters were sent and everyone responded.

Ms. Tate stated this public hearing is simply to approve renewal of the Ag Forestal District. The Ordinance Amendment will be brought back at a later meeting.

<u>CIMORA-MADRID AGRICULTURAL AND FORESTAL DISTRICT</u> (CON'T)

The Chairman declared the public hearing to be open.

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

Ms. Bragg moved, seconded by Dr. Pattie, that the Board approve the request for renewal as presented.

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

Carter

Nays: None

Motion carried.

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MIDDLE RIBER AGRICULTURAL AND FORESTAL DISTRICT

This being the day and time advertised to consider a request to renew the Middle River Agricultural and Forestal District. The proposed district encompasses approximately 5,695 acres of land located in the Middle River District lying east of Interstate 81; both east and west sides of Route 778 (Knightly Mill Road), Route 774 (Broad Run Road), Route 774 (Cline River Road), and Route 865 (Rockfish Road); both north and south sides of Route 608 (Battlefield Road), Route 775 (Buttermilk Road), and Route 775 (Craig Shop Road); on the north side of Route 777 (Knightly Lane); both north and south sides of Route 728 (Patterson Mill Road); on the southwest side of Route 774 (Piedmont Road). The Planning Commission recommends approval.

Mr. Wilkinson pointed out the areas encompassing the Middle River Ag District. The Dam Town Road area is also included in this renewal. Six parcels withdrew and nine new ones were added. This resulted in a loss of acreage. Renewal would be effective November 24, 2018. At this time, two property owners have not responded.

The Chairman declared the public hearing to be open.

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

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the request for renewal as presented.

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

Carter

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC --NONE

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ASSISTANCE TO FIREFIGHTERS GRANT

The Board considered submittal of application.

Funding Source: 80000-8057 \$65,000.00

Timothy K. Fitzgerald, County Administrator, stated that there is an opportunity to apply to the Assistance to Firefighters Grant. This is a federal grant that is 90% Federal and 10% locality. The grant deadline is October 26, 2018. The current application has it set at \$650,000.00 for the purchase of a Class A pumper. The grant would cover 90% at \$585,000 and the County's share would be \$65,000.00. Permission to apply is requested and to also accept the award if it is granted.

Mr. Kelley stated this is a good program.

Mr. Kelley moved, seconded by Mr. Shull that the Board approve submittal of application.

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

and Carter

Nays: None

Motion carried.

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FLOOD CONTROL DAMES-HEARTHSTONE

The Board considered award of contract for construction.

Jennifer Whetzel, Deputy County Administrator, stated the contract for construction of Hearthstone Dam is up for consideration. The design for this flood control structure has been worked on for approximately 18 months with Schnabel Engineering. They will continue with the construction management until completed. Three bids have been received from contractors. The bids were within \$259,000.00 of each other. This construction will be funded 65% by the Federal Government. The local funding will be split between the State and the County. The County's local funding is estimated to be \$540,000.00. That amount includes the entire project. Construction would be completed through September 2019. It is proposed to consider award of a contract for Hearthstone Dam construction to Howdyshell Excavating in the amount of \$3,687,650.00. This is within the budget that is proposed by the Federal Government.

Dr. Pattie moved, seconded by Mr. Shull that the Board approve award of contract for construction to Howdyshell Excavating.

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

and Carter

Nays: None

Motion carried.

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ROUTE 608 EASEMENT

The Board considered granting an access easement across county property.

Mr. Wilkinson showed a map on the screen of the intersection of Route 250 and Route 608. This intersection improvements have been in the County's plan for many years to reduce the backup of traffic leaving the Teaverton and Emerald Hills Subdivisions. On June 28, 2006 the Board of Supervisors approved to acquire a parcel for the purpose of road improvements. Community Development has acquired a deeded right-of-way from two adjacent property owners, Columbia Gas and Thomas Weidner, in order to make needed road improvements to reduce traffic backup by installing a right turn lane on Route 608. This was a revenue-sharing project with VDOT. As part of the deed agreement, VDOT will close the entrances to the adjacent properties and the County will build a driveway across their property to allow those properties to access Fishersville Road. Approval is requested to move forward with creating the access easement across County property and recording the deed.

Mr. Coleman moved, seconded by Mr. Shull that the Board approve granting the access easement across County property.

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

and Carter

Nays: None

Motion carried.

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CONSENT AGENDA

Chairman Garber asked if the public wished for any item to be removed from the Consent Agenda and considered separately. There was no request.

Ms. Bragg moved, seconded by Mr. Shull that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

Regular Meeting, Wednesday, August 22, 2018

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

and Carter

Nays: None

Motion carried.

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WAIVERS -- NONE

MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter stated that based on discussion from the Staff Briefing on Company 10 and Mr. Fitzgerald reading the motion that passed by the Board earlier, Ms. Carter would like to have a clean slate for the new Fire Chief coming in. This would allow them to make their own evaluations and recommendations.

Ms. Carter moved to rescind the earlier vote to delay any further action and allow Company 10 to remain open at this time.

Dr. Pattie pointed out if the original vote is rescinded then the original thing of closing it stands. You removed the part that extended it.

Ms. Carter stated that her objective in rescinding the vote is to make a clean slate for the new Fire Chief.

Ms. Bragg would like time to think about this before making a decision.

Mr. Shull agrees with Ms. Carter. We should do this rather than impose on the new Chief coming in trying to make this decision. The reality is, a former Board member was trying to pay for courthouse expense and cutting cost.

Mr. Garber asked Ms. Carter if she would be content with having the County Attorney with Mr. Fitzgerald work on a motion that is clean and covers what is desired.

Mr. Shull stated there will discussion at the next meeting and, if appropriate, it will be voted on at that time.

Ms. Carter is in agreement with that decision.

Mr. Coleman stated that at whatever point the person is hired, they will need to be brought up to speed. The plan for Fire and Rescue that is currently on the table included a number of people. The Emergency Services Committee didn't bring a descending vote. It was not until certain parts of the plan were approved, that the fallout started coming from various fire companies. To fold everything versus leaving it where it is and let the new Fire Chief takeover is not a good idea.

Mr. Kelley stated it's important for the new Fire Chief to have the opportunity to start anew and look at everything openly.

Mr. Shull stated that the current plan involved all the companies on the east side of the County. This is where the concern came from that the volunteers were not involved.

Ms. Carter removed the motion on the floor.

Ms. Carter would like to create a Strategic Plan as a Board and she would like Staff to be able to acquire bids for proposals.

Ms. Carter moved, seconded by Mr. Kelley that the Board approve Staff to get proposals to complete a Strategic Plan.

Vote was as follows: Yeas: Garber, Shull, Coleman, Kelley, Pattie

and Carter

Nays: Bragg

Motion carried.

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

Mr. Coleman attended a nice ribbon cutting for the Story Walk at the Augusta County Library.

Mr. Shull is anxious for the upcoming election. He was traveling to Craigsville and there is construction taking place on Route 254. Mr. Shull is concerned if there was an emergency. Would emergency vehicles be able to get through?

Mr. Fitzgerald stated that typically the pilot vehicles with construction sites have radios and are informed if an emergency vehicle needs to get through.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issue:

- 1) A new letter from ISO was received in regards to the County's fire rating. The County was previously a 5/8B and the County is now a 4/4Y. 4Y is a new classification. If you are within five miles of the fire station and you have water then you are rated as a 4. Anything outside of the five mile radius is classified as a 10.
- 2) Received a request for a letter of support for the Virginian Agriculture Cost-Sharing Program and the Virginia Stormwater Local Assistance Fund. This is a program that will help farmers with cost for fencing out the streams and doing work on their farms. A letter has been prepared and is ready to send with the Board's approval.

Dr. Pattie moved, seconded by Ms. Carter to approve sending the letter of support for SLAF.

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

and Carter

Nays: None

Motion carried.

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CLOSED SESSION

On motion of Ms. Bragg, seconded by Mr. Shull, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)
 [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
- a) Boards and Commissions
- (2) the economic development exemption under Virginia Code § 2.2-3711(A)(5) [discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:
- a) Proposed Office space, flex space, storage facilities, manufacturing facilities, utility and mixed use development.

CLOSED SESSION (CONT'D)

On motion of Mr. Shull, seconded by Dr. Pattie, the Board came out of Closed Session.

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

and Carter

Nays: None

Motion carried.

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Bragg, Garber, Shull, Coleman, Kelley, Pattie

and Carter

NAY: None

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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<u>ADJOURNMENT</u>

There being no other business to come before the Board, Ms. Bragg moved, seconded by Ms. Carter, the Board adjourn subject to call of the Chairman.

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

and Carter

Nays: None

Motion carried.

Chairman County Administrator