

Regular Meeting, Wednesday, September 26, 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
James R. Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, September 26, 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 Stuarts Draft High School led the Board of Supervisors in the Pledge of Allegiance:

Carson Bruce is a senior and the chair member for the SCA's Random Acts of Kindness committee. He plans to attend Virginia Tech and major in interior design and minor in environmental science.

Skyler Bremmett is a senior and is the SCA President and the student class secretary. She plans to apply to University of Virginia with a double major in Environmental Science and Government.

Josh Eckard is a junior and serves as President for his class. He is a member of the marching band and plays soccer. Josh would like to study architecture engineering.

Josette is a junior and serves as the secretary for her class. She is a member of the chess club and the drama club. Josette plans to attend Princeton and study psychology.

Emma Gallagher is a senior and plays on the soccer team. She plans to pursue her masters of architecture.

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Wendell Coleman, Supervisor for the Wayne District, delivered the invocation.

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Mr. Garber reminded the public that the solar public hearing has been postponed until further notice. If anyone present would like to discuss solar, it can be done under Matters from the Public.

September 26, 2018, at 7:00 p.m.

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KENNETH RAY BRADLEY, JR., INC., -- REZONING

This being the day and time advertised to consider a request to rezone approximately 8.5 acres from General Agriculture to General Business with proffer owned by Kenneth Ray Bradley, Jr., Inc. and located on the east side of East Side Highway (Rt. 340), approximately .17 of a mile south of Dooms Crossing Road (Rt. 611) in the Wayne District. The Planning Commission recommends approval with proffer.

John Wilkinson, Director of Community Development, showed a map of the property. The parcel in front of Eastside Speedway. The proposed general use of the property will be for business. The general use stated in the Comprehensive Plan is community mixed use. The applicant has offered a proffer for the Board's consideration that the development of the parcel shall not include the following uses; fast food restaurants, gasoline retail outlets and carwashes. This is in an urban service area slated for development. There is no public sewer in the area so a septic system would require a waiver from the Board of Supervisors. The water system in the area cannot provide the needed fire flow for compliance of Chapter 24 of Augusta County Code. This would also require a waiver from the Board of Supervisors. Staff and the Planning Commission have recommended approval with the proffer.

Ray Burkholder of Balser and Associates, applicant representative, stated that the uses have been limited to try to offset VDOT concerns with traffic and turn lanes. The site currently has a septic field on the property that services the existing building.

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 request for the rezoning as recommended by the Planning Commission with the proffer.

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

Motion carried.

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

This being the day and time advertised to consider a request to rezone from General Agriculture to Single Family Residential approximately 40 acres with proffer owned by Garland F., Jr., or Melony Easter and Garland F. or Evelyn B. Easter located on the east side of Old Goose Creek Road (Rt. 640), approximately 1.04 miles west of the intersection of Old Goose Creek Road and Lifecore Drive (Rt. 636) in Fishersville in the Wayne District. The Planning Commission recommends approval with proffer.

John Wilkinson, Director of Community Development, stated for clarification that the property was previously brought to the Board for a rezoning request. A proffer has been submitted that meets current proffer legislation. The proffer states that the development is not expected to exceed 42 single family detached residential units, Old Goose Creek Road will only be improved by providing the intersection site distance

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GARLAND F. JR., OR MELONY EASTER AND GARLAND F. OR EVELYN

B. EASTER -- REZONING (CONT'D)

required by VDOT for the construction of the 42 units. If the development exceeds 42 units then improvements to Old Goose Creek Road will include a pavement overlay on the portion of the road from the developments primary entrance to the intersection of Old Goose Creek Road and Route 250. A signal analysis would be completed at the intersection of Route 250 and Old Goose Creek Road with the developer paying for the portion of any needed improvements, resulting from such analysis, and specifically attributable to the development. Mr. Wilkinson showed the Site Plan submitted by the applicant.

Basil Hamrick represents the applicant, Mr. Easter. A traffic study has been completed by VDOT. There are no intentions of using Troxell Lane. Mr. Easter has met with the five property owners that have frontage along the portion of Troxell Lane in conjunction with his property. An agreement has been signed that he will deed the portion of the property over to them upon the completion of entrance onto Old Goose Creek Road.

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 request for the rezoning request.

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

Scott Eaton, Scout Master of Troup 33, introduced the scouts in his troop. The troops are working on completing the qualifications for the Communications Merit Badge.

Mark Poe spoke in regards to solar setbacks and property owner rights. Mr. Poe stated that the 200 foot setback gives away the property rights of the taxpayer to neighboring property owners. He asked the Board to change the setback rules.

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LOCAL EMERGENCY TERMINATION

The Board considered a resolution to terminate the Declaration of Local Emergency due to Hurricane Florence.

Timothy Fitzgerald, County Administrator, stated everything went smooth during Hurricane Florence. Now that the local emergency is over, the declaration needs to be terminated. This will allow for reimbursements from the Federal Government.

WHEREAS, due to Hurricane Florence, the County of Augusta faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

WHEREAS, the conditions of extreme peril to life and property necessitated the declaration of the existence of a local emergency; and

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LOCAL EMERGENCY TERMINATION (CONT'D)

WHEREAS, by resolution adopted on September 12, 2018, the Board of Supervisors declared a local state of emergency; and

WHEREAS, all coordinated local government action has been taken and it is no longer necessary for the Declaration to remain in effect; and

WHEREAS, the Board of Supervisors desires to terminate the Declaration, and to approve, ratify and confirm all actions taken by the Emergency Management Co-Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that all actions taken by the Emergency Management Co-Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta be, and hereby are, approved, ratified and confirmed.

IT IS FURTHER RESOLVED that the Declaration be, and hereby is, terminated, effective September 26, 2018.

Ms. Bragg moved, seconded by Dr. Pattie that the Board adopt the resolution to terminate the Declaration of Local Emergency.

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

Motion carried.

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MS4 PROGRAM UPDATES

The Board considered the Stormwater Local Assistance Fund Grant application submittal for the following:

- 1) Emerald Hills Detention
- 2) Nutrient Credit Purchase

Doug Wolfe, County Engineer, stated that Staff is recommending the Board authorize submitting the application for two projects that will help meet the nutrient requirements for the Chesapeake Bay TMDL. By 2023, 99 pounds of phosphorous are required to be reduced and by 2028 there is a requirement of 256 pounds be reduced. The two proposals would achieve 38% of the goal needed by 2023. The funding would come from the Stormwater Capital Account. On the Emerald Hills Section 3 BMP Conversion, the county portion would be not to exceed \$396,000.00 and the Nutrient Credit Purchase would be not to exceed \$51,250.00.

Ms. Bragg moved, seconded by Dr. Pattie that the Board approve submitting the grant applications for the Emerald Hills Detention Pond not to exceed \$396,000.00 and the Nutrient Credit Purchase not to exceed \$51,250.00.

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

Motion carried.

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WAIVERS -- NONE

September 26, 2018, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Garber wished Ms. Bragg a Happy Birthday.

Ms. Bragg moved, seconded by Dr. Pattie, that the Board appoint the following to serve on the listed Boards and Commissions effective immediately:

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| Larry Powell | Broadband Committee | Exp. 6/30/2020 |
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| Vote was as follows: | Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie, and Carter |
| | Nays: None |

Motion carried.

Mr. Kelley reminded everyone that the Mill Place Walking Trail Ribbon Cutting has been moved to Friday at noon.

Ms. Bragg encourages the Board to look at the calendar of events for the Fire and Rescue Appreciations Dinners. There is a Legislative Breakfast coming up. A VDOT I-81 meeting will be October 17.

Ms. Carter read the editorial by Nancy Sorrells concerning rural rustic roads and the pipeline in West Augusta. Ms. Carter would like to be educated on what agreements the County has on rural rustic roads and the development of an area. She questions how the pipeline will play a role in this issue.

Mr. Fitzgerald stated that there is a resolution passed on rural rustic roads stating the Board is unaware at that time of any development that will occur on the road. The Comprehensive Plan is reviewed with each rural rustic road. The road in West Augusta is not considered to be in a growth area or an urban service area. It would meet the requirements of a rural rustic road. The resolution does not say that the area or road will never develop.

Mr. Coleman made a request to fund the 608 turn lane from the Wayne Infrastructure.

Mr. Wilkinson showed a map on the screen of the intersection of Route 250 and Route 608. There has been a project in process to add a right turn lane to help the flow of traffic. Several years ago the County acquired the property. A right-of-way will be necessary from Columbia Gas in order to allow for the turn lane. The County will build a drive way in across Columbia Gas and the County property to provide for proper exit. The Engineering department has estimated the value of the land and it is estimated at \$6,376.83. This amount was offered to the Wideners and they accepted it.

Mr. Coleman moved, seconded by Dr. Pattie that the Board authorize funding for the Route 608 right-of-way in the amount of \$6,376.83 come from the Wayne Infrastructure.

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

Motion carried.

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

Dr. Pattie moved, seconded by Ms. Bragg that the Board authorize the County Administrator to sign the Route 608 right-of-way documents.

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

Nays: None

Motion carried.

Mr. Shull and Mr. Kelley attended the Emergency Officers Association meeting and the plan for GPS on the ambulances were presented. Everybody is receptive of the plan. The idea was left open for any questions to come back.

Mr. Garber reminded everyone of the dinner with Staunton City Council on November 13 at Rowe's Family Restaurant at 6:00p.m.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issue:

- 1) An update on the Housing Affordability Summit was given to the Board and gave a handout from the summit.
- 2) Each year the VACo voting member/nominations for Executive Committee needs to be sent in for the conference in November. Typically the Chair is the voting person. Mr. Garber has agreed to do the voting. A letter asking for nominations to the Executive Committee was also received. If the Board of Supervisors is interested in nominating anyone let Mr. Fitzgerald know. Dr. Pattie recommends nominating someone from Augusta County.
- 3) Legislative Breakfast October 3 at 8:30a.m.

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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

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CLOSED SESSION (CONT'D)

- (3) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**
[discussion of the acquisition for a public purpose, or disposition, of real property]:

- a) Augusta County Landfill
- b) Ladd Elementary

On motion of Mr. Coleman, seconded by Mr. Shull, 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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AUGUSTA COUNTY LANDFILL

Mr. Coleman moved, seconded by Ms. Bragg that the Board approve for Staff proceed with the Landfill land contract as discussed in closed session.

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

Motion carried.

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