

Regular Meeting, Wednesday, May 22, 2019, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman
Carolyn S. Bragg-Vice Chairman
G.L. "Butch" Wells
Michael L. Shull
Wendell L. Coleman
Marshall W. Pattie
Pam L. Carter
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
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, May 22, 2019, 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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Nancy Sorrells, former Board of Supervisor, led us with the Pledge of Allegiance.

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Michael Shull, Supervisor for the Riverheads District, delivered the invocation.

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CHAPTER 25, SECTION 25-77.4 ORDINANCE AMENDMENT

This being the day and time advertised to consider an amendment that removes manufactured and mobile homes from the existing dwelling division lot frontage exception, which meets the original intent of the exception. The Planning Commission recommends approval.

**AN ORDINANCE TO
TO AMEND CHAPTER 25 ZONING
DIVISION B. AGRICULTURE DISTRICTS
ARTICLE VII. GENERAL AGRICULTURE (GA) DISTRICTS.
SECTION 25-77.4. LOT FRONTAGE IN GENERAL. EXCEPTIONS.**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-77.4 of the Augusta County Code so as to clarify the original intent of the "existing dwelling division lot" lot frontage exception by precluding manufactured or mobile homes from such exception.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-77.4 of the Augusta County be amended as follows:

§ 25-77.4. Lot frontage in general. Exceptions.

C. In General Agriculture Districts, a lot known as an "existing dwelling division lot" may be created that does not have frontage on a public street, provided the following conditions are met:

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CHAPTER 25, SECTION 25-77.4 ORDINANCE AMENDMENT (CONT'D)

1. Such "existing dwelling division lot" shall be permitted for the sole purpose of creating a lot to separate an existing dwelling, not to include manufactured or mobile homes, constructed in or before the year 2000, and owned no less than five (5) years from the original lot. Neither the original lot nor the "existing dwelling division lot" shall be further subdivided using the exception detailed in this subsection.

2. No such "existing dwelling division lot" shall be created for the purpose of the circumvention of Chapter 21 of this Code.

3. The original lot shall be no more than one contiguous tract or lot, and the foregoing notwithstanding, need not to have the fifty feet (50') of frontage on a public street required by this section. Any new private rights-of-way or easements established to serve either the "existing dwelling division lot" or the original lot of the grantor must meet the requirements of § 21-11.B of this Code. (Ord. 11/21/06, eff. 1/1/07; Ord. 8/22/18)

Leslie Tate, Planner, stated that in August of 2018 the Planning Commission recommended and the Board adopted an ordinance amendment which creates another lot frontage exception for the purpose of creating a lot to separate an existing dwelling constructed in or before the year 2000 and owned no less than five years from the original lot. This lot frontage exception was an addition to the only other exception the County had at the time known as the family member exception. The amendment being considered is to eliminate manufactured or mobile homes from the exception as was the original intent of the exception.

The Chairman declared the public hearing open.

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

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the ordinance amendment as presented.

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

Motion carried.

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CHAPTER 25, SECTION 25-35 ORDINANCE AMENDMENT

This being the day and time advertised to consider an amendment that removes the provision for a Zoning Administrator determined waiver for reduced parking for mixed use buildings or facilities. The provision for a Board waiver remains. The Planning Commission recommends approval.

**AN ORDINANCE TO
TO AMEND CHAPTER 25 ZONING
DIVISION A. IN GENERAL
ARTICLE III. OFF-STREET PARKING.
SECTION 25-35. NUMBER OF SPACES REQUIRED.**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-35 of the Augusta County Code to eliminate the provision for a Zoning Administrator determined parking waiver for mixed use buildings or facilities.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-35 of the Augusta County be amended as follows:

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CHAPTER 25, SECTION 25-35 ORDINANCE AMENDMENT (CONT'D)

§ 25-35. Number of spaces required.

A. The number of off-street parking spaces required shall be as follows:

Use	Number of spaces required
Airport, railroad passenger station, taxi stands, and bus terminals	One for every three seating spaces to accommodate waiting passengers in addition to other required spaces.
Assembly and exhibition halls with and without fixed seats	One for every four fixed seats and one per 250 square feet of assembly area without fixed seats.
Auction houses, with fixed seats	One for every four seats.
Auction houses, without fixed seats	One for every 250 square feet.
Auditoriums and assembly halls	One for every three seats.
Bakeries	One for every 200 square feet plus one for every three seats with fixed seating.

Use	Number of spaces required
Banks	One for every 250 square feet of floor space plus one for each 500 square feet of upper floor space.
Bakeries, ice cream parlors	One for every 200 square feet plus one for every three seats with fixed seating (Ord. 09/28/11)
Batting cages	One per cage (Ord. 09/28/11)
Bed and breakfast inns	One for each sleeping room or one per 75 square feet of assembly, whichever is greater.
Bowling alleys	Five for each alley.
Campgrounds and recreational vehicle parks	One for each space.
Cemetery	No parking required.
Conference center	One for every four seats.
Convenience retail operations	Twelve plus one for every 250 square feet over 1000 square feet.
Customary incidental home occupations	Sufficient spaces to accommodate all customers, clients, patients, etc.
Dance hall	One for every 75 square feet of assembly area.

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Dialysis Centers	Two per treatment room (Ord. 09/28/11)
Distribution center	One for every 2000 square feet up to 500,000 square feet and one for every 3000 square feet over 500,000 square feet.
Drive-through photo, pharmacy, and other similar uses	One for every 300 square feet of floor space.
Use	Number of spaces required
Dwellings	Two for each dwelling unit. Anything proposed in a Multiple Residential Dwelling district shall provide two per unit plus ten percent of the total number of required spaces for visitor parking. (see also §25-226 and 237.1)
Farm and heavy equipment repair or service facilities	One for every 300 square feet.
Fairgrounds, carnival grounds	Sufficient parking to ensure that there is no on-street parking for events.
Fire or rescue stations	Four for each fire or rescue vehicle the facility is designed to accommodate plus one for every 75 square feet of assembly area.
Freight and truck terminals	In addition to the company vehicle requirement, one for every two trucks, tractors, or trailers the facility is designed to accommodate and one for each 250 square feet of office space.
Funeral homes and mortuaries	Three for every 100 square feet of service parlors, chapels and reception area.
Furniture, appliance, household equipment (retail)	One for every 500 square feet.
Gasoline retail outlet (with no inside sales of consumer goods)	One.
Greenhouses, nurseries, and gardens	One for every 1000 square feet of indoor retail space, plus one per 4000 square feet of outdoor retail space.
Health clubs , fitness clubs and recreation centers	One for every 500 square feet
Hospitals	Three for every bed.
Use	Number of spaces required

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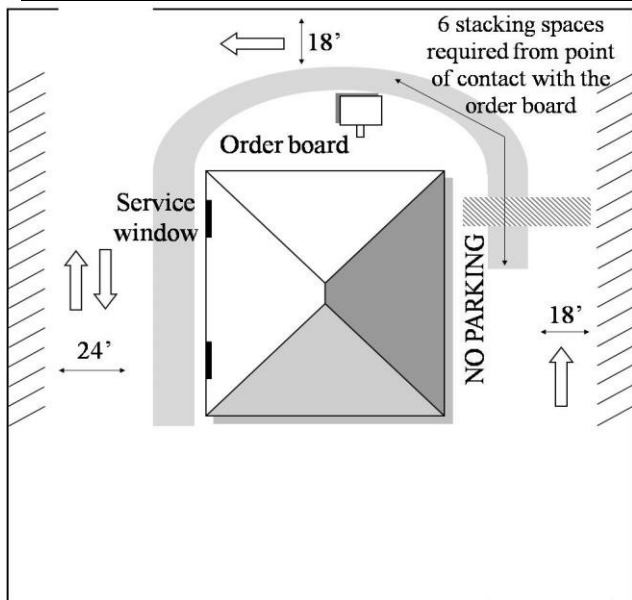
Hotels, motels, and lodging houses	One for each living or sleeping unit for the first 100 units, plus .9 per sleeping room or suite for units 101-200, plus .8 per sleeping room or suite for units 201-300; plus .7 per sleeping room or suite for rooms in excess of 300. With lounges/restaurants- add one for every 150 square feet of such area. With meeting facilities- add one for every four seats of such area.
Kennels, and animal shelters	Five, plus one for every 1000 square feet.
Manufacturing, assembly and processing facilities	One for every 2000 square feet up to 500,000 square feet and one per 3000 square feet over 500,000 square feet.
Manufactured home, modular home, and recreational vehicle sales	One for every 4000 square feet of outdoor retail space.
Medical and dental clinics and offices	Four for each treatment station or treatment room.
Mini-warehouses and self-storage facilities	One for every 250 square feet of office space if an office is located on site. If no office is located on site no parking shall required.
Motor vehicle, boats, recreational vehicles repair or service facilities	One for every 300 square feet.
Motor vehicle, boats, recreational vehicles, or machinery sales	One for every 600 square feet of enclosed floor space, plus one for every 4000 square feet of outdoor retail sales.
Museums and public libraries	Ten, plus one for every 400 square feet over 2000 square feet.
Nursery schools and day care centers	One for every three children or adults receiving care at licensed capacity.
Offices, business and professional, except medical and dental	One for every 250 square feet up to 50,000 square feet and three per every 1000 square feet over 50,000 square feet.
Use	Number of spaces required
Police stations	One for every 300 square feet of floor space.
Post office	One for every 300 square feet.
Private clubs, fraternities, sororities, and lodges	One for every 75 square feet of assembly area without fixed seats.
Produce stand	Five, plus three for each additional vendor.

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Recreational facilities	<p>Forty for each ballfield. One for each picnic table. Three for each fitness trail. Four for each hole at a golf course. Two for each hole at a miniature golf course. One for each tee at a golf driving range. One for each 200 square feet of pool surface area; including wading pools and whirlpool baths. Two for each tennis court and indoor racquet ball courts. Two for every basketball court. Two per horseshoe pit.</p> <p>For each recreational use not specified above, one for every 125 square feet of usable recreation area.</p>
Religious institutions	One for every four seats in the main sanctuary.
Residential care facilities and group homes, not including hospitals	One for every three beds.
Restaurants, beer parlors and night clubs	One for every two seats.
Restaurants, carry out only	One for every 200 square feet. (8/27/14)
Restaurants, fast food	One for every 50 square feet of floor area, but in no instance shall such a facility provide less than ten.
Use	Number of spaces required
Retail stores, service establishments	One for every 250 square feet and one for each 4000 square feet of outdoor retail sales area.
Rifle and shooting ranges, and skeet shooting	One for each station.
Rooming houses, boarding houses, and dormitories	One for each resident space.
Schools, elementary and middle	Two for each classroom plus one for every staff member.
Schools, dance	One for every 100 square feet of dance floor area, but in no instance shall such a facility have less than five.
Schools, high school	One for each staff member plus one for every four students at design capacity.
Schools, higher education	Two for every three students.
Schools, vocational and trade	Five for every classroom.

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Shooting preserve	Sufficient parking to accommodate expected users to ensure that there is no on-street parking.
Shopping center	3.8 for every 1000 square feet for centers less than 400,000 square feet; 3.5 for every 1000 square feet for centers with at least 400,000 square feet.
Social and community centers	One for every four fixed seats or one for every 75 square feet of assembly, whichever is greater.
Sports arenas and race tracks	One for every four seats
Theaters and cinema	One for every four seats.
Truck stops and travel plazas	Determined separately by proposed uses and totaled (i.e. convenience store, restaurant).



Use	Number of spaces required
Veterinary clinic or hospital	One for every 300 square feet.
Warehouses	Five.
Wholesale trade establishments where goods are not normally sold to the public	Five.
Wholesale trade establishments where goods are normally sold to the public	One for each 500 square feet of enclosed floor space and one for each 4000 square feet of outdoor retail sales area.

B. Stacking Space Requirements. All stacking spaces shall be counted from the first point of contact. If the establishment has an order board the first space is counted at that location. If the establishment has a service window and no order board the stacking space shall be measured from the service window. All non-residential uses shall provide stacking spaces for vehicles at drive-up and drive-through facilities consistent with the following requirements:

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CHAPTER 25, SECTION 25-35 ORDINANCE AMENDMENT (CONT'D)

1. Number Required. The minimum number of stacking spaces required for each parking facility shall be as specified in the Stacking Space Standards Table. The stacking spaces required for each parking facility shall be measured from the location listed in the Stacking Space Standards table. The space used for remote ordering or communicating with the employees within the use may be one of the required stacking spaces.

a. Dimensions. Each stacking space shall have a minimum dimension of nine feet (9') in width by twenty feet (20') in length.

b. Location. The location of stacking spaces shall not interfere with on site parking facilities and pedestrian areas.

i. The lane containing the stacking spaces shall be marked and separate and distinct from other access drives and maneuvering lanes for parking spaces.

ii. All designated pedestrian areas which pass through a stacking space area shall be clearly marked through pavement striping or a stamped pattern or texture.

iii. Stacking spaces shall not be used for access to parking spaces and shall not block access to parking spaces.

2. Stacking Space Standards.

Use	Required stacking spaces	Point of measurement
ATM station	Three.	ATM unit
Automobile oil change and quick lube	Two.	Service bay
Bank, drive up	Four, plus two for each additional service lane.	Service window
Car wash	Two.	Wash bay
Coffee kiosk	Three.	Service window or order board
Dry cleaners	Three.	Service window
Ice cream stand	Three.	Service window or order board
Pharmacy, drive up	Three.	Service window
Restaurant, drive up	Six for the first lane, plus 3 for every additional service lane.	Service window or order board
Truck stop/Travel plaza	Two for each fueling station.	Pump island

C. Off-street loading spaces. Where loading areas or docks are present, they shall be designed so that no portion of a loading or unloading vehicle obstructs access to any required off-street parking spaces on any property. In no instance shall a loading area be considered a parking space for the purpose of meeting the off-street parking requirements of this ordinance.

D. Uses not specified. In the case of a use not specifically mentioned, the requirements for the off-street parking facilities for a use which is so mentioned and to which such use is similar shall apply.

E. Fraction of a space. When units of measurement determine a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

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CHAPTER 25, SECTION 25-35 ORDINANCE AMENDMENT (CONT'D)

~~**B. Mixed uses.** When a building or facility is to be used for more than one use, the total requirements of the various uses computed separately in accordance with this section shall be required unless waived by the Zoning Administrator.~~

F. Waiver. The requirements of § 25-35 may be modified or waived in an individual case if the Board of Supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.

G. Change in use. Whenever in any building or structure there is a change in use, or an increase in floor area or in any other unit or measurement specified herein so as to increase the required number of off-street parking spaces, parking facilities shall be increased on the basis of the total new units of measurement of the use, or the altered or expanded existing use. If a change in use creates a need for an increase of less than five (5) off-street parking spaces, no additional parking facilities shall be required if the facility currently has at least ten (10) spaces.

ARTICLE III, Division A, Chapter 25 was revised and readopted on 2/10/10, eff. 3/1/10

Ms. Tate stated that this section lists various uses and the number of spaces that are required for those different uses. In addition, there is a section currently that states that mixed uses when a building or facility is to be used for more than one use, the total requirements of the various uses computed separately and accordance with the section, shall be required unless waived by the Zoning Administrator. The Zoning Administrator has never used this waiver. Directly below this statement in the ordinance there is the waiver possibility by the Board of Supervisors after submittal of parking study. Staff recommends removing the waiver by the Zoning Administrator because a mixed use building could be relatively large and have various uses that would require the full parking and should be evaluated by the Board after a parking study.

The Chairman declared the public hearing open.

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

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the ordinance amendment as presented.

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

Motion carried.

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FIRE ENGINE PURCHASE

Consider approval to purchase one fire engine and an agreement with Atlantic emergency Solutions/Pierce Manufacturing.

Funding Source: Capital 70-8000-8057 \$593,774.00

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FIRE ENGINE PURCHASE

Timothy Fitzgerald, County Administrator, stated that this is a request for a fire engine purchase. It is included in the Capital budget to replace the fire engine with a cost of \$593,774.00.

Mr. Coleman moved, seconded by Ms. Bragg, that the Board approve funding for the purchase of a fire engine and request authorization to execute an agreement with the Atlantic Emergency Solutions Pierce Manufacturing.

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

Motion carried.

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NON EMS LICENSED FIRE RESPONSE TO CARDIAC ARREST

Consider approval to implement response by non-EMS licensed fire departments to cardiac arrest emergencies in Augusta County.

David Nichols, Fire Chief, stated that there are four volunteer fire companies in Augusta County that are non EMS licensed. Approval from the Board of Supervisors is requested to authorize their dispatch to assist on cardiac arrest calls within Augusta County. Non EMS agencies are not regulated by the Virginia Office of EMS, but they do offer guidance. The guidance suggests they respond with AED equipped unit and at least one member of the organization be AED and CPR trained. Captain Lawler has worked with the agencies and they have agreed to comply. The Emergency Communications Center has developed a policy for dispatching.

Ms. Carter asked who the four agencies were.

Mr. Nichols stated that it includes Deerfield, Craigsville, Wilson and Stuarts Draft.

Mr. Fitzgerald commented by saying this would allow ECC on a cardiac arrest call to tone these agencies out so they can assist.

Ms. Carter is concerned that if these agencies do not respond it would be considered a no show or no response.

Mr. Shull moved, seconded by Dr. Pattie, that the Board approve the implementation.

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

Motion carried.

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VRS VOLUNTARY LONG TERM INSURANCE

Consider group long term care insurance benefit offered through VRS.

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VRS VOLUNTARY LONG TERM INSURANCE (CONT'D)

Jennifer Whetzel, Deputy County Administrator, stated that this is a possibility for the County to enter into an agreement with the Virginia Retirement System (VRS) to administer the Commonwealth of Virginia Voluntary Group Long Term Care Insurance. This would be the opportunity to participate in the program with Genworth Life Insurance Company and open enrollment would begin in September or October. There is no cost to the County for the program and the County's Human Resource Department would not be involved. The program is solely controlled by VRS. There is a resolution that requires Board approval that makes terms between the plan sponsor and the employer on administration of the plan.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve participating in the long term care Insurance benefit that is offered through VRS.

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

Motion carried.

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AUGUSTA SOLAR PROJECT

Consider the Special Use Permit request from Community Solar.

Ms. Bragg moved, seconded by Mr. Coleman, that the Board approve removing the agenda item off the table.

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

Motion carried.

Tom Cline, Council for the project, stated that previously an additional thirty days was requested to allow time to work with the landowners and the other stakeholders associated with this project. All in an effort to craft a compromise that would be responsive to the number of concerns heard with respect to making additional properties available along Stuarts Draft Highway and along some of the other corridors. There has been a significant effort on behalf of the landowners to come back to the Board with a new proposal.

Ms. Tate showed a map on the screen of areas that have been removed from the project. The map also demonstrated the properties that did not have a 200 foot setback from all property boundaries. The new proposal removes three parcels along Route 340, the panel area on either side of Mount Vernon Road, the panel area directly north of Hull School Road, southwest of Benz Road and on the land owned by the Augusta County Service Authority and their well site. The map submitted by the applicant shows areas that are removed from the project and as was stated could be used for additional residential mixed used industrial development.

Ms. Tate also reviewed the buffering plan and the install height that is being proposed. Ms. Tate showed a map of the areas where no buffers have been proposed and reviewed each site individually. The ordinance has a 1000 foot setback from residentially zoned properties unless the Board determines that different setbacks are adequate to protect neighboring properties. Included in the map is zoning and areas that do not have a 1000

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AUGUSTA SOLAR PROJECT (CONT'D)

foot setback from residentially zoned property. She reviewed the Comprehensive Plan and Staff's recommendation related to the plan. A map was shown to demonstrate Comprehensive Plan designations. The project is located in the County's Urban Service Area and Community Development Areas. These are foundational areas of the plan that are intended to guide growth of the County. Staff has recommended that the solar use is not in keeping with these areas. They are intended to be compact, interconnected, pedestrian oriented and this project spread out amongst that growth and development area could potentially fragment that type of development and what is envisioned in those service areas.

Ms. Bragg made the following statement:

It has been about 1 ½ years since the suggestion of a utility scale solar project was brought to the County. This type operation is something completely new to, not only us, but to many localities across Virginia. Board members and staff have spent thousands of hours learning about solar projects, touring different sites, looking at ordinances, writing our first County solar ordinance, meeting with the applicant on this project multiple times, talking with land owners, and meeting with the public.

I would like to offer a special thank you to Leslie Tate and John Wilkinson, as well as the rest of the staff, for the time, work, and dedication that they have invested in this project.

I believe that it is now time to make a decision on the project that has been brought before us.

First, I want to acknowledge that the planning commission, at their meeting on February 12th, 2019, made its determine that the Augusta Solar Special Use Permit application request was in substantial accord with the adopted Comprehensive Plan, "or parts thereof", under State Code Section 15.2-2232. I will remind you that the Planning Commission is a recommending body, but the final determination does lie with the Board.

With this in mind, I respectfully disagree with the planning commission's decision for the following reasons:

1. The project is located in both Urban Service and Community Development Areas of the Augusta County Comprehensive Plan. Urban Service and Community Development Areas are the foundational components of the Comprehensive Plan, which many of our goals, objectives, and policies are built. The planning policy areas guide investment decisions, and ultimately, the disbursement of public funds, both locally and regionally. In order to be a good steward of these funds, the planning policy areas intend to concentrate growth and development into limited areas.
2. The Comprehensive Plan establishes a goal of locating 90% of all future growth within the Urban Service and Community Development areas of the County. These are designated for residential, business and industrial growth. They are areas designated for compact, interconnected and pedestrian oriented development. They are areas where residents expect, and the County encourages and directs, public services, to support the density and growth envisioned.

This project would not allow for an interconnected development pattern, and would potentially fragment future growth among the project sites, making it more difficult to achieve new developments, with the density, or character and form, envisioned by the plan.

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AUGUSTA SOLAR PROJECT (CONT'D)

Also, the development of these certain areas makes the preservation of the rest of the County, for agriculture and rural development, possible. It protects rural and scenic views, not only for existing residents and visitors, but also for businesses looking to locate in an area with a high quality of life for its employees.

3. The existing character of the area reflects agriculture, business, industry and residential development, which is representative of an area planned for growth over time. Many of the County's growth areas are dependent upon highway infrastructure. The Stuarts Draft community's proximity to I-64 and I-81 makes this area conducive to future growth.
The 1987 Comprehensive Plan recognized Stuarts Draft as a sewer service area.
The 1994 Comprehensive Plan cemented Stuarts Draft as a growth area.
The 2007 Comprehensive Plan further established Stuarts Draft as an Urban Service Area. It also increased the development percentage goals for Urban Service and Community Development areas of the County.
And then, the 2015 Comprehensive Plan update continues to designate this area as a growth location.
4. Furthermore, after the project is decommissioned and potentially returned to agriculture, there could be potential for significant incompatibility of land uses with permitted agricultural operations and the built environment envisioned in the Urban Service and Community Development areas, which will have time to grow over the 35 years. The Comprehensive Plan, throughout the land use chapter, speaks to the compatibility of existing and future land uses.

In addition to my concerns related to the Comprehensive Plan, our Augusta County Code Section 25-74 (which is "uses permitted by special use permit in General Agriculture zoned districts"), states that no special use permit shall be approved unless it conforms to the Comprehensive Plan of the County, or to specific elements of such plan, and to official policies adopted in relation thereto. The planning policy areas of the Comprehensive Plan, which my previous remarks have described, are officially adopted policies upon which many other county policies are based.

In summary, the urban service area and community development areas, are where significant public investment has, and will continue to be made. This makes this project not in accord with the policies of the County Comprehensive Plan, as is required by Augusta County ordinance and state code.

Ms. Bragg moved, seconded by Mr. Shull, that the Board deny the utility solar application presented to the County.

Mr. Garber stated that he has said many times that this has been difficult decision. From his own stand point he has made it difficult. The Board has lost sight of what is really on the table. This is the first time in forty years that the Board has acted on a Special Use Permit. It is not the Board's job to come up with ways to fix a potential problem. It is the Board's job to fix the problems that have arisen. If there is a problem in the Comprehensive Plan then it's the job of the Board to fix it. The lesson that has been learned is the Board should not be in the Special Use Permit business. This is not a referendum on solar. It's not a referendum on infrastructure. It's not a referendum on property rights. There is a specific question of does this comply with the Comprehensive Plan. He does not believe that this solar project complies with the Comprehensive Plan. Mr. Garber believes some of the land belongs in solar and it can happen, but it cannot happen through this current process.

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AUGUSTA SOLAR PROJECT (CONT'D)

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

Motion carried.

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WAIVERS -- NONE

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CONSENT AGENDA

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

MINUTES

Consider minutes of the following meetings:

- Regular Meeting, Wednesday, April 10, 2019

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

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC -- NONE

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter would like for the Ordinance Committee to review the Noise Ordinance.

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MATTERS TO BE PRESENTED BY STAFF -- NONE

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May 22, 2019, at 7:00 p.m.

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 - EDA, Youth Commission, Ag Industry Board, CSPDC, BRCC, Ag Industry Board, Parks & Recreation, EDA, VCSB, CSPDC and CPMT

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

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

Motion carried.

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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:

Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie, and Carter
Nays: None

Motion carried.

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

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May 22, 2019, at 7:00 p.m.

BOARDS AND COMMISSIONS

Mr. Shull moved, seconded by Mr. Coleman, that the Board appoint James Hinton to serve an un-expired term on the Economic Development Authority. Effective immediately and to expire on March 14, 2022.

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

Nays: None

Motion carried.

Mr. Shull moved, seconded by Mr. Coleman, that the Board re-appoint Sally Williams to serve on the Parks & Recreation Commission. Effective July 1, 2019 and to expire on June 30, 2023.

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

Nays: None

Motion carried.

Ms. Carter moved, seconded by Mr. Shull, that the Board appoint William Ruleman to serve on the Ag Industry Board. Effective Immediately and to expire on June 30, 2023.

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

Nays: None

Motion carried.

Ms. Bragg moved, seconded by Mr. Shull, that the Board appoint the following. Effective immediately and to expire on June 30, 2022.

Lisa Dunn	Valley Community Services Board
Deborah Pyles	Valley Community Services Board
Leslie Tate	Central Shenandoah Planning District Commission
Vickie Moran	Central Shenandoah Planning District Commission

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

Nays: None

Motion carried.

May 22, 2019, at 7:00 p.m.

BOARDS AND COMMISSIONS (CONT'D)

Ms. Bragg moved, seconded by Mr. Shull, that the Board re-appoint Lisa Dunn to serve on the Community Policy Management. Effective immediately and to expire on June 30, 2023.

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

Nays: None

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ADJOURNMENT

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

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

Nays: None

Motion carried.

* * * * *

Chairman
h:05-22min.19

County Administrator