
Regular Meeting, Wednesday, August 27, 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, August 27, 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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Donna Hoy, led the Pledge of Allegiance.

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DELLIE OR BERTA MAY PROFFITT - REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to Single Family Residential approximately one acre owned by Dellie or Berta May Proffitt located in the southwest quadrant of the intersection of Cambridge Drive (Route 1502) and York Avenue (Route 1503) in Stuarts Draft (South River District). The Planning Commission recommends approval with proffer.

Becky Earhart, Senior Planner, displayed 1 acre property outlined in pink and noted that blue is currently zoned General Agriculture, green is property already zoned Single Family Residential. The applicant has submitted the following proffer:

1. The minimum square footage of single family dwellings built on this property shall be 1,400 square feet.

This property has been zoned General Agriculture since 1995; is in an Urban Service Area, and slated for Medium Density Residential development. Public water is available; public sewer will have to be extended since it is in an Urban Service Area.

The Chairman declared the public hearing open.

Jim Brenneman, representative for the applicant, stated that the property is zoned Agriculture and is surrounded by three sides of residential property and would like this zoned Residential. They plan to extend public sewer. The existing lots to the north of this property on York Avenue are 1/3 of an acre. They would like to put three houses on this property.

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DELLIE OR BERTA MAY PROFFITT – REZONING (cont'd)

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

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

A request to rezone from General Agriculture to Single Family Residential approximately one acre owned by Dellie or Berta May Proffitt located in the southwest quadrant of the intersection of Cambridge Drive (Route 1502) and York Avenue (Route 1503) in Stuarts Draft in the South River 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 number 3D on tax map number 84A (9) containing approximately 1.0 acre is changed from General Agriculture to Single Family Residential with the following proffer:

- A. The minimum square footage of single family dwellings built on this property shall be 1,400 square feet.

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

Nays: None

Motion carried.

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FISHERSVILLE SMALL AREA PLAN

This being the day and time advertised to consider a request to amend the Augusta County Comprehensive Plan 2007-2027 by adopting the Fishersville Small Area Plan. The Fishersville Plan supplements the County’s Comprehensive Plan by providing more specific recommendations, particularly in the areas of land use and transportation, for the Fishersville area. It includes a revised Future Land Use Map, a Thoroughfare Plan, Development Design Suggestions, and an Implementation Strategy. The amendments to the Comprehensive Plan also include the changes to the countywide Planning Policy Area/Future Land Use map and related text based on the recommendations in the Small Area Plan. The Planning Commission recommends approval of the Fishersville Small Area Plan as an amendment to the County’s Comprehensive Plan; approval of

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FISHERSVILLE SMALL AREA PLAN (cont'd)

the revised Planning Policy Area/Future Land Use map incorporating the recommendations of the Fishersville Small Area Plan; and approval of the text amendments to the County's Comprehensive Plan reflecting the changes made as part of the Fishersville Small Area Plan.

Ms. Earhart presented the Fishersville Small Area Plan and noted that it was recommended in the Comprehensive Plan that the County pursue small area plans and topic area plans. She stated that this was an effort of Messrs. Coleman, Shifflett and Chairman Beyeler, noting that Fishersville is an area that is split between the three districts. A citizen advisory committee was established to assist in preparing this plan. It refines the recommendations that are in the current County's Comprehensive Plan but does not supersede it. It does allow for a more specific look at the smaller growth areas in the County.

Ms. Earhart mentioned the following highlights in a PowerPoint presentation:

Public Meetings

Three public meetings:

- November 29th Public Workshop
 - Vision development
 - Issue identification
- February 19th Open House
 - Concept development
 - Citizen input
- May 20th Public Meeting
 - Presentation of Draft Plan

Fishersville Small Area

- 10,652 acres (~ 16.6 square miles)
- Estimated Population ~ 6,948
 - Based on number of building permits and persons per household statistic
- Projected 2028 Population ~ 10,067
 - Based on countywide increase of 17,700 from Comprehensive Plan

Vision for Fishersville - 2028

- Fishersville will be a diverse, healthy community with a vibrant urban core and well-defined boundaries surrounded by productive agriculture
 - Compact, interconnected, pedestrian-oriented neighborhoods with a mix of housing
 - Attractive, efficient office, retail, and service locations
 - Safe network of streets, trails, and sidewalks that distributes traffic
 - Well protected greenspace and scenic views
 - Quality public services

Future Land Use Categories

- Business
- Industrial
- Mixed Use
 - Neighborhood Mixed Use
 - Community Mixed Use
- Public Use

- Residential
 - Low Density
 - Medium Density
 - Single-Family Attached
 - Multifamily
- Flood Plain

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Ms. Earhart displayed a map for the Board to consider for adoption and noted that red is the land projected to be Business; yellow would be Low Density Residential; dark blue is Community Mixed Use; green is Single Family Attached Residential; brown is High Density Residential; gray is the Public Use Lands; orange is Medium Density Residential; light blue is Neighborhood Mixed Use; purple is Industrial.

Changes to the Land Use Categories

- Medium Density Residential-
 - Current Plan 3-6 units an acre
 - Draft Fishersville Small Area Plan- 3-4 units an acre
- Mixed Use-
 - Current Plan- no density, no maximum business %; no real guidelines
 - Neighborhood Mixed Use- 4-8 units an acre; up to 15% business
 - Community Mixed Use- 6-12 units an acre; up to 40% business

Thoroughfare Plan

- Needed to increase safety and capacity of the existing Fishersville roadway network
- Includes improvements to existing roads and spot locations previously identified
- New roadways to connect current & future land uses and provide alternate routes to reduce congestion
- Greenways to promote non-vehicular transportation

Land Use and Development

- Current land uses
 - 43% agriculture/open space, 30.7% residential, 12.3% business/industrial
- Policy recommendations
 - Cultivate a sense of place and clearly identify entrances
 - Require curb, gutter, and sidewalks/paths for all roads in core area
 - Reduce the visual dominance of parking and service areas
 - Preserve open space in and around new development
 - Make “infill” parcels priority areas for development
 - Discourage “strip” development

Economy

- Fishersville economy
 - 12.3% of land is used for or planned for business or industrial purposes
 - In 2000, Fishersville economy was stronger than Augusta County in most statistical categories
- Policy recommendations
 - Build on the health service industry (AMC, WWRC)
 - Identify other compatible industry sectors
 - Expand and strengthen office/retail businesses

Library and Public Education

- Fishersville served by nine public schools and Augusta County Public Library
 - Several schools are at or near capacity
- Policy recommendations
 - Evaluate possibility of relocating Ladd ES, potentially to a site near eastern end of Fishersville
 - Evaluate need for future renovations/expansions at Wilson Complex schools
 - Continue to utilize recreational and meeting spaces for education, community service, and recreation

Parks and Recreation

- Fishersville’s parks and recreation facilities
 - Public facilities located at Wilson Complex and at Library
 - Private facilities located at AMC and some neighborhoods
 - P&R Master Plan calls for 50+ acre “major park” in or near the Fishersville area
- Policy recommendations
 - Acquire land for and develop major park facility
 - Encourage development of neighborhood parks
 - Develop linear parks and greenways

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Public Safety

- Public safety in Fishersville
 - Fire/Rescue companies responded 1,928 times to incidents in Fishersville in 2007, a 11% increase from 2006
- Policy recommendations
 - Consider adding emergency medical transport services to Preston Yancey Fire Company
 - Evaluate potential new locations for Augusta County Fire Company
 - Expand neighborhood watch, business watch, and national night out programs

Development Design Suggestions

- Designed to complement land use goals
 - Show in greater detail what types of design land use goals are calling for
 - Include photographs and diagrams
- Focuses on three aspects of development design
 - Setting and landscaping
 - Building orientation
 - Building form
- Does not call for specific architectural styles, materials, colors, etc.

Components

- Fishersville Small Area Plan as an amendment
- Text Amendments in Countywide Plan to be made to reflect the changes recommended in the Fishersville Small Area Plan
- Revised Planning Policy Area/Future Land Use Map

The Chairman declared the public hearing open.

Donna Hoy advised that her family owns an 80-acre tract in Fishersville, which adjoins Goose Creek Road. She requested that Mixed Use Neighborhood be changed to Mixed Use Community, or some designation to allow a higher density. She said that she has been working with a developer, County staff, and Wendell Coleman for the last two years. She understood that the County wants a connector road from Route 250 towards Augusta Medical Center (AMC). Phase I was approved last month (Crescent Development). This request allows Phase II in which the developer has agreed to put upfront approximately \$4 million. He has worked with VDOT and the Traffic Impact Analysis has been done. She pointed out that 26 years ago, a connector road had been discussed. She felt that the benefit of the connector road supersedes any question of density. With water and sewer being available, she felt this to be the best use for the property. She agreed with the article by Nancy Sorrells which made the point of "concentrated growth in an area" (saving law enforcement and other services).

Rip Cathcart, founder and chief executive of Cathcart Properties, which is Charlottesville-based. He mentioned that they build communities complete with large clubhouses, movie theater, fitness center, resort-style pool, tennis courts, etc. He stated that they have been working closely the last two years on a workable design and development. He referred to Tax Map 67, parcel 114, which is 40 acres, and Tax Map 66, parcel 71 (F), which is 80 acres, stating that they lie north of AMC and between Mule Academy road and the future extension of Goose Creek Road. He understood that it is a stated strategy of Augusta County to have the developer of these parcels pay \$2.9 million (\$4 million would include all road improvements at various intersections). He pointed out that Cathcart was paying for approximately half of the road and that Crescent Development would be paying the other half. He stated that the road would provide easier access between Route 250 and I-64 and easier access for emergency vehicles. He mentioned that he planned to return in the near future with a rezoning application and is nearing the finish line for a public/private partnership for the construction of the road. He stated that, while this plan is close to being a workable document, the plan does not meet some of the stated objectives of the County.

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Specifically, those objections would be increased density in designated growth areas. Water and sewer and other public utilities have been installed in these areas to make maximum use and to, also, channel the growth pressure off the rural area. He stated that his plan would require approximately 9.5 to 11 units per acre depending on how density is calculated. The small area plan currently allows 8 units per acre and will not pay for construction of the road.

Steve Arehart, part owner of the property, reiterated that the density is the “deal killer” in this project. He restated that the developer was willing to build a road to the hospital, but needed to put enough units to make it work. He mentioned that the area was a growing community and agreed that development needed to be in one area where it is managed as far as services are considered and does not use agricultural land.

Mr. Coleman expressed his appreciation to the citizens advisory group, Anderson Associates (transportation planners), and staff for their hard work in this plan. Mr. Coleman distributed to the Board a copy of an e-mail from William Moore of Balzer and Associates, Inc., and his suggestions.

Mr. Coleman made the following comments:

The County has spent a considerable amount of time and money over approximately a two-year period developing a Comprehensive Plan for the next 20 years to guide the growth and development. Our Urban Service Areas, by definition, are to be compact, interconnected patterns of development, which will allow the County to continue to provide the high quality efficient and cost-effective public services and facilities. Fishersville, as you have seen and heard, is located entirely in an Urban Service and Community Development Area. These two policy planning areas are targeted for 90% of the growth. This is what the people of the County said they wanted. This is what we adopted and, now, we are in the process of doing several things that would help ensure that that become a reality. One of those is a Small Area Plan that we are to talk about here tonight. Another one that we are also going to talk about tonight is the Ordinance Review because a plan is nothing more than a plan without the actual ordinances behind the plan to help the County do what the citizens and the County are attempting to do together. Urban development must be encouraged to be compact, pedestrian-oriented, interconnected, network of streets, sidewalks and trails. New neighborhoods will be places of beauty, identity and charm and a blending of uses. Housing types—development that would be done right where people, based on what their housing needs are, could all live together in one neighborhood. Some of those people might choose to live in a single-family home on a small lot; some might tend to want to live in a townhouse; some might want to live in a condominium. Densities and costs are always a consideration. Every time we consider something, we certainly try to make additional inroads to the various infrastructure issues that are out there—roads, schools, libraries, parks and recreation, as opposed to any one development bearing more than their fair share of the potential impact of a single development on any of those infrastructure things as opposed to the cumulative effect of one development after another.

Some of the other factors that I considered include the need to preserve our farmland and open space. We need to accommodate most of our growth where we have the infrastructure. We give a lot of comment to “grow where we want to grow and minimize growing where we don’t want to grow”. I’ll give you some numbers shortly in how well we’re doing with that. We just recently had a report in terms of our Comprehensive Plan Annual Scorecard. Changing demographics – our population is getting older and the needs change. Another thing that we coincidentally have on our agenda tonight is fire flow. Any one thing that we do, there are far-reaching ramifications. We are going to consider modifying fire flow. What that amounts to is having adequate water supply. As we say to people that if we require houses be built closer together, there is more of a likelihood if you have a structural fire that it spreads quickly from the primary dwelling to adjoining dwellings. If we are going to keep things spread out, then fire flow is less of an issue.

According to the Comp Plan Annual Scorecard, the following results were reported by the Community Development staff regarding building permits issued in our policy planning areas:

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1. Urban Service – Our target is 80%; our performance is 39%
2. Community Development – Our target is 10%; our performance is 20%
3. Rural Conservation – Our target is 5%; our performance is 25%
4. Ag Conservation (where our intensive ag operations are) – Our target is 5%; our performance is 16%

According to these numbers, there is more development going on contrary to what we want. Some people in the public would not have that perception because they have looked at Fishersville and they see how it is growing. Since 2000-2007, we are growing about 1% a year. I would suggest to people who believe we are growing out of control, that is simply not the case. We are, in fact, growing where we have decided we want to grow. As such, it causes us to have to look at some things that we must look at—schools, roads, things of that sort.

Mr. Coleman gave the following suggestions:

1. This plan is recommending a decrease in the density of the Medium Density Residential category for the Fishersville Area. At first glance, I thought it was setting a dangerous precedent to reduce the density in our growth areas when our goals are to have at least 80% of our growth in these urban centers. However, the countywide Comprehensive Plan Future Land Use Map defines Medium Density Residential as being detached single family dwelling units at a density of 3-6 units an acre. This Small Area Plan recommends 3-4 units an acre. I have a concern about having this land use category meaning two different things depending on where you live. In Fishersville, it will mean 3-4 units an acre, in Stuarts Draft, Verona, and Weyers Cave; it will mean 3-6 units an acre. Upon further review of that, I think the Fishersville Small Area Plan is on the right track. If we are looking at single family detached housing, do we really want to go to 6 units an acre? By the time you take out land for roads and stormwater facilities, you would be looking at 5,000-6,000 square foot minimum lot sizes, which we don't currently allow in the County. That is small for Augusta County. If you are thinking about duplexes and townhouses, those developments fit into the Single Family Attached Residential category.
2. This plan establishes two new Mixed Use Categories-Neighborhood Mixed Use and Community Mixed Use. The existing Mixed Use category is wide open and provides little direction to the developer or the neighborhood on what to expect in these areas. So I like very much the Plan's attempt to better define what is to be expected in the areas planned for Mixed Use. However, I am not sure we need two categories of Mixed Use at this point, maybe sometime down the road, but not now. I also have problems again with Mixed Use meaning something very specific in Fishersville and being so wide open in all of the other areas of the County. It could be many years from now before Small Area Plans are done for all of the areas that have Mixed Use designations.
3. I would suggest that the Medium Density Residential category be established at a density of 3-4 units an acre countywide and that we have one Mixed Use Category, countywide, but that a target density of 6-10 units an acre and a not to exceed business component of 30% be established, basically an average of the two categories suggested for Fishersville. Again, the definition would apply to all lands planned for mixed use in the County. I would propose that we table consideration of the Fishersville Small Area Plan until our September 24th meeting to give you all time to think about my suggestions. I would encourage staff to discuss these changes with the Planning Commission and bring back any concerns they have with these suggestions. I would also encourage each Board member to look at those areas designated for Mixed Use in their districts and then next month we can put the topic back on the agenda to discuss before we advertise it for another public hearing.

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

Mr. Howdysshell stated that Mr. Coleman had some valid points where there are two different types of mixed use classification and felt that the Board should review again.

Mr. Pyles agreed that this item should be tabled and advised that Mr. Coleman's and the Hoy family's proposed changes should go to the Planning Commission for its recommendations.

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Ms. Sorrells said that, with this being the first Small Area Plan, it should be done right before moving forward.

Mr. Shifflett agreed that it should be tabled. He felt that two separate plans were being created within one plan – Small Area Plan for Fishersville as compared to the Comprehensive Plan for the rest of the County. With the Ordinance Review, along with fire flow, how was the Small Area Plan going to impact them?

Mr. Garber felt that Mr. Coleman had some valid points and he wanted to talk with staff before making a decision.

Chairman Beyeler reiterated that the Board was working to get the Urban Service Areas to get higher density. He made the following comments:

One of the hardest jobs that this Board has is telling people what they can do with their land. We're putting a lot of our development in areas that we don't want it to be, but we're not provided areas to do it. This would give them another option and, hopefully, would take some of the pressure off of the more rural areas. If you don't give people an option, or if you make it so difficult to develop in areas that you want developed, then they are going to develop in more rural areas. I see what's being proposed is good and I'm willing to table it. In my area, there was a Planned Unit development put in and it was done for density purposes. Across the road, the proposal I saw, although it is not active at this time, was a high density area, too. It was a little different. The idea that you have a two-acre lot and a 1,500 sq. ft. house is fine. Some people like it, but we should not force everybody to do that. There are people that all they want is a place to lay down at night in a nice comfortable area with conveniences and services in the area, and that's all they want, and that's all we should give them.

Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board table this item until September 24, 2008, to give the Board of Supervisors and Planning Commission time to consider comments made tonight. He also suggested that it be discussed at the Staff Briefing on Monday, September 22nd.

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

Nays: None

Motion carried.

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SUBDIVISION ORDINANCE

This being the day and time advertised to consider an ordinance to amend the Subdivision Ordinance of Augusta County Relating to Fire Flow Requirements. This ordinance amends § 21-7 of the Subdivision Ordinance by adding a new paragraph which requires fire hydrants to be installed and adequate fire flow to be provided in accordance with § 24-2 of the County Code. The Planning Commission recommends approval of the amendment to the County's Subdivision Ordinance.

Ms. Earhart advised that this ordinance would amend the Subdivision Ordinance by adding a new paragraph to Article 21-7 that would require that developments have adequate fire flow. The standards (§ 24-2) had already been considered by the Board of Supervisors. This would codify it in and make it part of the ordinance requirements for subdivisions. Ms. Earhart suggested that, after the public hearing, the § 24-2 discussion be removed from the table, and considered as one single ordinance to adopt the fire flow standards to the County.

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SUBDIVISION ORDINANCE (cont'd)

The Chairman declared the public hearing open.

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

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(END OF PUBLIC HEARINGS)
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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. **This was tabled at the July 23, 2008, regular meeting until August 27, 2008.**

Mr. Coleman moved, seconded by Ms. Sorrells, 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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John C. McGehee, Assistant County Administrator, added that the policy § 24-2 is in the water/sewer service section of the County Code and the § 21-7 is in the Subdivision Ordinance of the County Code. There were two public hearings because the subdivision part had to be reviewed by the Planning Commission; the water/sewer section did not need to go through the Planning Commission.

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

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 24 OF THE CODE OF THE COUNTY OF AUGUSTA, VIRGINIA, TO PROVIDE FOR ADEQUATE WATER SUPPLY FOR FIRE PROTECTION

WHEREAS, to protect the health, safety and welfare of the citizens of Augusta County, the Board finds that it is in the best interests of the citizens of the county to insure that water systems in Augusta County subdivisions and commercial and industrial developments are adequately designed to provide sufficient water for fire safety purposes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that:

1. The Code of the County of Augusta, Virginia be, and hereby is, amended by the enactment of a Section 24-2 "Water supply for fire protection." as follows:

Sec. 24-2. Water supply for fire protection.

A. For new residential developments, adequate fire hydrants will be installed by the developer and/or builder. Placement of hydrants shall be coordinated with the Augusta County Service Authority and with the county's fire chief or his authorized representative. Adequate water supply to such hydrants shall also be available as determined by the standards set forth in the schedule below. Placement decisions made by the fire chief should be predicated on public safety and welfare considerations, the standards listed below, 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.

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FIRE FLOW – ORDINANCE (cont'd)

Schedule for fire flow in residential developments

Fire flow shall be based on two hour flow duration for all construction projects.

Based on distance between structures:

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

(3) In the event that fire flow requirements cannot be met at all hydrants within a proposed development, the Fire Chief in agreement with the Augusta County Service Authority, may reduce the required fire flow at no more than two (2) fire hydrants within the proposed development. Provided that the fire flow requirements for the hydrants may not be reduced by more than 200 gpm per hydrant and at no time will any hydrant be approved with a fire flow below 500 gpm.

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

B. (1) For commercial, business and industrial structures located where public water is available, adequate water supply shall be not less than 1,000 gpm based on a two hour designed flow duration. Required flow will be determined by use of the ISO formula using total square footage.

(2) For the purposes of this section, 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.

(3) Fire flow will be established by using the largest one building of a commercial or industrial development.

(4) 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.

C. 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.

D. 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.

E. Upon application of the developer and for good cause shown, the standards for buildings or subdivisions set forth in paragraphs A through D 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.

And be it further ordained that Section 21-7 of the County Code is hereby amended to add the following subparagraph:

§21-7. Water and sewer generally.

G. 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.

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 PUBLIC

Sonny Balsley, President of the Augusta County Fair, thanked the Board for its participation and financial support. He noted that the Fair had an excess of 32,000 people. The Board members expressed their appreciation to the County Fair Board for its hard work.

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MATTERS TO BE PRESENTED BY THE BOARD

RECYCLING COMMITTEE - APPOINTMENT

Mr. Coleman, seconded by Ms. Sorrells, that the Board appoint Debbie Botkin to serve an unexpired two-year term on the Recycling Committee, effective immediately, to expire September 24, 2009.

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 (cont'd)

Mr. Pyles: Travel Expenses – asked that expense reports for each Board member be placed on the website, including airfares, so that the public can have access of the information.

Mr. Pyles moved, no second, that the Board authorize placing the Board of Supervisors' travel expenses on the website.

Vote was as follows: Yeas: Pyles

Nays: Howdyshell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Motion failed.

Chairman Beyeler explained that any Board expense is public knowledge. Anyone who wishes to look at those expenses can do so.

Mr. Pyles made the following comment:

We talk about open government. Here is a chance for it. I hear people talking about it all the time. If people looked at the nonsense on those expense reports, what people are charging for, they would be upset. You can hide behind it and not worry about people going to get them. They will find out. We went over budget. We demand our offices, our departments, to be in budget, but not ourselves. It is embarrassing what some of the folks do. Hide behind it. It's four people here. Press probably won't cover it, but I'm ashamed of this board.

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

Ms. Sorrells: Watch for Children signage (Village of Greenville) will be considered at the next meeting.

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

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION

Mr. Shifflett: Expo track – Tractor pulls, truck pulls and motorcross, etc. Todd Flippen, in Community Development brought it to Mr. Shifflett’s attention that DCR has stated that that track is in violation of the Erosion and Sediment Control Ordinance. Mr. Flippen met with the local DCR (Staunton) and they both agreed that the track should not follow under the Ordinance as the track has been there since 1982; however, the head office in Richmond state that it was in violation and it must be brought in compliance. Mr. Shifflett supported the Erosion and Sediment Control measures for construction but felt that this is outside of the intended purpose. This is a track for recreational purposes that has been in existence since 1982. He felt that if DCR could state that that track is not in compliance, what about Eastside? He stated that any of the athletic fields could fall under the Erosion and Sediment Control Ordinance. He added that there are 13 current exceptions and suggested that a 14th be added to cover recreation tracks and ballfields.

Mr. Shifflett moved, seconded by Mr. Coleman, that Board authorize staff to submit letter of opposition to DCR and copy to legislators.

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 (cont'd)

Mr. Garber: Pleased with the rain!

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DROUGHT 2008

The Board considered resolution concerning federal disaster designation and federal assistance.

Patrick J. Coffield, County Administrator, advised that the Board had received a report from the Extension Services office at the Monday Staff Briefing.

Mr. Howdyshell moved, seconded by Mr. Shifflett, that the Board adopt the following resolutions:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, Augusta County, Virginia is experiencing drought and excessive heat.

WHEREAS, the drought and excessive heat in Augusta County have produced significant damage to crops of farmers in the county.

WHEREAS, the drought and excessive heat in Augusta County have caused major reductions in livestock and crop production and farm income.

WHEREAS, Augusta County farmers need federal assistance in responding to their losses.

August 27, 2008, at 7:00 p.m.

DROUGHT 2008 (cont'd)

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. The Board hereby instructs the County Administrator to submit to the Governor of Virginia the Board's request for assistance in obtaining a federal disaster designation for Augusta County and federal assistance to mitigate the effects of the ongoing drought and excessive heat.

2. This resolution shall take effect immediately upon its adoption.

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

Nays: None

Motion carried.

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TOMS BRANCH FLOOD CONTROL DAM

The Board considered Headwaters' proposal for the purchase of right-of-way associated with Flood Control Project.

Funding source: South River Infrastructure Account #80000-8016-46 \$14,970

Mr. Coffield advised that this had been discussed at the Monday Staff Briefing. Chairman Beyeler hoped that this expenditure would qualify as an in-kind contribution and that he could be reimbursed.

Ms. Sorrells moved, seconded by Mr. Howdysshell, 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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FIRE REVOLVING LOAN FUND APPLICATION

The Board considered revolving loan in an amount not to exceed \$200,000 for Doods Volunteer Fire Company to purchase a pumper.

Mr. McGehee advised that this application had been discussed at the Monday Staff Briefing. He noted that the loan would be \$200,000 paid back over a ten-year period. He added that they have a performance bond with the vendor.

Mr. Howdysshell 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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August 27, 2008, at 7:00 p.m.

NEW HOPE COMMUNITY CENTER

The Board considered Community Center improvements project and agreement with club for progress payments.

Funding Source: Middle River Infrastructure Account #80000-8012-57 \$210,000

Mr. McGehee said this project was discussed Monday and the Board also had the opportunity to view the property. He recommended that an agreement be signed with the New Hope Ruritan Club that outlines a payments schedule that the County would proceed with as the work is completed and inspected.

Mr. Garber agreed that an agreement should be drafted similar to what was done with Craigs ville. He would like to review the agreement before signing.

Mr. Garber moved, seconded by Mr. Coleman, that the Board approve the funding not to exceed \$210,000 and the drafting of an agreement prepared by the County Attorney and authorizing execution by the County Administrator.

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

Nays: None

Motion carried.

Ms. Sorrells commented that, “even though there are large amounts going into these types of projects, if it were not for these community groups maintaining these buildings, the County could not do it alone. It is a wonderful investment into the communities. I am grateful there are groups out there that partner with us and keep these communities alive. I think it’s a great investment in our communities.”

Chairman Beyeler was quite impressed with the project.

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INFRASTRUCTURE ACCOUNTS STATUS – FY07-08

The Board considered additions/deletions to Infrastructure Accounts, as revised.

Mr. Coffield advised that a revised list of projects to be added and deleted was attached to tonight’s agenda.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the Infrastructure Accounts, as revised.

**INFRASTRUCTURE ACCOUNTS
ADD/DELETE
July 2007 to June 2008**

MIDDLE RIVER (8012)

New Hope Fire Waterline Ext. (41)	Delete	\$21,565.45
Triangle Drive Waterline (43)	Delete	\$ 5,196.18

PASTURES (8014)

Augusta Springs Assessment PDC (31)	Delete	\$10,000.00
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SOUTH RIVER (8016)

Courtney Woods Drainage (41)	Delete	\$ 4,284.00
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WAYNE (8017)

Route 640 - r-o-w (52)	Delete	\$ 31.00
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August 27, 2008, at 7:00 p.m.

INFRASTRUCTURE ACCOUNTS STATUS – FY07-08 (cont'd)

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

Nays: None

Motion carried.

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ORDINANCE REVIEW PROJECT

The Board considered proceeding with "Drafting" phase of Ordinance Review Project.

Funding Source: Board of Supervisors Account #11010-3125 \$87,580

Ms. Earhart advised that the Board received a briefing on the project at the Monday Staff Briefing and noted that the next stage is to draft the ordinances. The contract was written so that the County has the option, at any point, to stop the project. It is in the budget in the amount of \$87,580 to proceed with the next phase. The Planning Commission has recommended to move forward with the ordinance drafting.

Supervisors Shifflett, Garber, Sorrells, Pyles and Coleman felt that independent review was needed to draft the ordinances. Ms. Sorrells felt that the consultants had the specialty to create user-friendly county ordinances. Mr. Garber was impressed with staff and felt that they were capable, but did not feel they had the time to do the work in-house.

Supervisors Howdysshell and Beyeler felt that the drafting could be done in-house with staff's expertise to address the problems.

Mr. Shifflett moved, seconded by Mr. Coleman, that the Board move forward with the drafting phase of the Ordinance Review Project.

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

Nays: Beyeler and Howdysshell

Motion carried.

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PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION

The Board considered resolution establishing the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act.

Mr. Coffield advised that the Board received a recommendation by the Commissioner of Revenue at the Monday Staff Briefing. As part of the annual review, it is required by the State to set the percentage. A resolution has been drafted for the Board's consideration which incorporates the appropriate language necessary.

Patrick J. Morgan, County Attorney, reiterated that the resolution needed to be adopted based on the amount of money that the State has set a cap.

Mr. Howdysshell moved, seconded by Mr. Garber, that the Board adopt the following resolution:

August 27, 2008, at 7:00 p.m.

PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION (cont'd)

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act).

WHEREAS, by its enactment of an ordinance on December 14, 2005 ("Ordinance"), the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") has previously implemented such modifications of the PPTRA.

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2007 for purposes of the Ordinance.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be forty-nine percent (49%).

2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in § 3(b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in § 4, pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.

3. This Resolution shall take effect immediately upon its adoption.

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

Nays: None

Motion carried.

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CONSENT AGENDA

Mr. Garber moved, seconded by Ms. Sorrells, that the Board approve the following consent agenda:

ROUTE 774 VDOT BRIDGE PROJECT

Approved revision to County/State Agreement limiting County's obligation to \$200,000.

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

Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Streetlight Committee – Recommendations will be presented at the next Staff Briefing on September 22nd.
2. Frontier Drive – Joint Meeting – November 24th.

August 27, 2008, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

3. STREET ADDITION – ANGELA COURT (South River District)

The Board considered Community Development’s recommendations to adopt resolution for acceptance of the following streets into the secondary road system in accordance with VDOT request:

- 1. Angela Court (South River District)

Mr. Coffield mentioned that, normally, this type of request is included in the Board of Supervisors’ agenda package; however, he was just notified of the project being completed. If the request was not approved tonight, the developer would have to renew his letter of credit and pay a renewal fee for another year.

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

ANGELA COURT – 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 **ANGELA COURT**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

<u>Angela Court</u>	
From:	Route 608
To:	0.04 miles south of Route 608
Length:	0.04 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 040002518, Plat Book 1, Pages 5859 and 5860, recorded March 3, 2004.

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.

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

Nays: None

Motion carried.

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CLOSED SESSION

On motion of Mr. Pyles, seconded by Ms. Sorrells 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]:

August 27, 2008, at 7:00 p.m.

CLOSED SESSION (cont'd)

A) County Attorney Evaluation

(2) 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) Off of Route 731 North River District

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

Motion carried.

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NOTE: Mr. Pyles left prior to going into Closed Session.

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CLOSED SESSION (cont'd)

On motion of Mr. Howdysshell, seconded by Mr. Coleman, the Board came out of Closed Session.

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

Nays: None

Absent: Pyles

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:

AYE: Shifflett, Coleman, Garber, Howdysshell, Sorrells and Beyeler
NAY: None
ABSENT: Pyles

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

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