
Regular Meeting, Wednesday, August 13, 2008, 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
Jeremy L. Shifflett
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Becky Earhart, Senior Planner
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

ABSENT: Larry C. Howdyshell

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 13, 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 present and reminded them to remove their hats and turn off their cell phones.

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Wendell L. Coleman, Wayne District Supervisor, delivered invocation.

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Jeremy L. Shifflett, Beverley Manor Supervisor, led the Pledge of Allegiance.

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NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS

This being the day and time advertised to consider an ordinance to amend Section 11-13 of the Code of the County of Augusta, Virginia, to provide for a more efficient method of approval of non-conventional sewage disposal systems in major subdivision.

Patrick J. Morgan, County Attorney, advised that two minor changes have been made to the ordinance that currently regulates non-conventional sewage disposal systems:

1. Changes the time period in which the anniversary inspection needs to be done. Currently, a maintenance agreement is signed, one year following an inspection is to be done. The Health Department stated that the systems are not in the ground before the need of inspection. This revision allows an inspection to be done one year after the operation permit is issued.
2. Allows the Board of Supervisors to approve several at the same time if they are all introduced in a major subdivision (instead of considering each one separately).

The Chairman declared the public hearing open.

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

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

August 13, 2008, at 7:00 p.m.

NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS (cont'd)

AN ORDINANCE TO AMEND SECTION 11-13 OF THE CODE OF THE COUNTY OF AUGUSTA, VIRGINIA, TO PROVIDE FOR APPROVAL OF NONCONVENTIONAL SEWAGE DISPOSAL SYSTEMS IN MAJOR SUBDIVISIONS

WHEREAS, a more efficient method for the approval of nonconventional sewage disposal systems in major subdivisions is needed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that Section 11-13 of the Code of the County of Augusta is amended to read as follows:

§ 11-13. Nonconventional Sewage Disposal Systems.

A. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

1. "Health officer" shall mean the health officer of the county or a qualified person designated by the health officer of the county.

2. "Nonconventional sewage disposal system" shall mean those systems described as such in Virginia Code § 15.2-2157. "Nonconventional sewage disposal systems" shall include, without limitation, sewage disposal systems (a) incorporating a septic tank and subsurface soil absorption system, where pumping, enhanced flow distribution or low pressure distribution is necessary, and (b) other than a septic tank and subsurface soil absorption system. The term does not include privies or systems deemed nonconventional solely due to the use of pumps to transfer effluent from a septic tank to a subsurface soil absorption system.

3. "Public groundwater supply source" shall mean a well, spring or other groundwater source that is owned by the Augusta County Service Authority and is currently utilized as a water supply for domestic, agricultural, industrial or other beneficial purposes. The term shall exclude any source utilized as a water supply for a transient or other non-community water system.

4. "Source water protection area" shall mean an area within 250 feet of a public groundwater supply source, established by the Augusta County Service Authority to protect such source.

5. "Spray irrigation system" shall mean a nonconventional sewage disposal system that sprays effluent by means of spray irrigation infrastructure on the ground surface for final treatment and dispersal. Any spray irrigation system shall utilize a process that treats to at least secondary standards and disinfects effluent. The term does not include systems utilized for agricultural applications.

B. Except as expressly permitted in this section, nonconventional sewage disposal systems shall be prohibited in the county.

C. Nonconventional sewage disposal systems shall be permitted in the county, subject to the following conditions:

1. The installation and operation of any nonconventional sewage disposal system must be approved by the health officer, as compliant with this section and the applicable regulations of the Virginia Department of Health.

2. Prior to the installation and operation of any nonconventional sewage disposal system, an agreement, in a form approved by the county attorney and executed by the health officer and the property owner, must be recorded in the land records of the Office of the Clerk of the Circuit Court of Augusta County. Such agreement shall, at a minimum:

a. permit the installation and operation of such nonconventional sewage disposal system,

b. provide notice to the public, including, without limitation, subsequent owners of the property, that the property is served by a nonconventional sewage disposal system,

c. impose installation, operation and maintenance conditions determined by the health officer or the Board of Supervisors, as applicable, based on the maintenance requirements of such system, including, without limitation, a requirement for a maintenance contract or professional operator,

d. require the property owner annually on the anniversary date **of the operation permit issued date** ~~of such agreement~~ to procure an inspection to ensure such system continues to operate as designed and in accordance with this section and such agreement, which inspection shall be performed by an individual:

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NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS (cont'd)

- (i) certified by the Virginia Department of Health as an authorized onsite soil evaluator,
 - (ii) licensed by the Virginia Department of Professional and Occupational Regulation as a professional engineer,
 - (iii) qualified as an accredited septic system inspector, as such term is defined in title 59.1, chapter 24.2 of the Code of Virginia (1950), as amended, or
 - (iv) employed by the system manufacturer or designated by the system manufacturer as an authorized service provider, as demonstrated by evidence acceptable to the health officer,
- e. require the property owner annually, within thirty (30) days of the anniversary date of ~~such agreement~~, **the operation permit issued date** or such longer period as may be permitted by the health officer, to deliver to the health officer a copy of the inspection report, in a form approved by the health officer, and to repair or replace such system, as necessary, to correct any deficiencies identified in the inspection report in compliance with this section and the applicable regulations of the Virginia Department of Health,
- f. require the property owner to report to the health officer any modifications, alterations, and expansions of such system, within thirty (30) days thereof;
- g. provide that in the event of the failure of such system, as determined by the health officer, the repair or replacement of such system shall be subject to the applicable regulations of the Virginia Department of Health, to the extent such regulations are not inconsistent with this section and such agreement,
- h. permit the health officer to enter the property to inspect such system and to determine whether such system is installed, operated and maintained in accordance with this section and such agreement,
- i. provide that the property owner's obligations under such agreement shall run with the land and bind the property owner, and the property owner's heirs, personal representatives, successors and assigns, and
- j. permit the termination of such agreement, and the revocation of the authorization under this section of the installation and operation of such system, in the event the property owner fails to cause the continued operation of such system, as designed and in accordance with this section and such agreement.
3. No nonconventional sewage disposal system shall be permitted for a structure used for residential purposes which requires a sewage treatment capacity in excess of 1,000 gallons per day.
4. No nonconventional sewage disposal system shall be permitted within a source water protection area.
5. Spray irrigations systems on any property and nonconventional sewage disposal systems in residentially zoned major subdivisions shall be subject to the further conditions set forth in subsection (D) below.
- D. The Board of Supervisors, in its discretion, may permit spray irrigation systems on any property and nonconventional sewage disposal systems in residentially zoned major subdivisions, subject to the following conditions:
- 1. Any such system shall be subject to the conditions set forth in subsection C above and such additional conditions as are imposed by the Board of Supervisors, as a condition of its approval.
 - 2. After approval by the health officer, an application for the installation and operation of any such system shall be submitted to the Board of Supervisors for consideration at its next regularly scheduled meeting, but no sooner than seven (7) days after approval by the health officer.
 - 3. **The Board of Supervisors shall consider approving all nonconventional sewage disposal systems for any proposed new major subdivision, at the time a preliminary plat is considered.**

Approval of the use of nonconventional sewage disposal systems designated on a preliminary plat will not create a vested right for the developer or a lot purchaser to install or operate such a system. A Health Department permit must be secured before any nonconventional

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NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS (cont'd)

sewage disposal system may be installed.

3.4. An applicant for any spray irrigation system subject to this subsection (D) shall also submit the following for consideration by the Board of Supervisors:

- a. a sketch of the property which shows the location of any proposed system on the property, the location of actual and proposed dwellings and other structures on the property, the distance of any proposed system from the boundaries of the property, and the distance of the proposed system from the closest dwelling on adjacent property;
- b. a list of owners of adjacent properties, as shown on the current real estate tax assessment records and a statement signed by each such owner which indicates whether such owner supports or opposes the proposed system;
- c. a plan to limit access to the spray area by children and livestock; and
- d. a plan to mitigate any aesthetic impact of the system on adjacent properties.

E. Pursuant to the agreement required under subsection (C)(2) above, the health officer may enter any property served by a nonconventional sewage disposal system to inspect such system and to determine whether such system is installed, operated and maintained in accordance with this section and such agreement.

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

Nays: None

Absent: Howdyshell

Motion carried.

Patrick J. Coffield, County Administrator, added, as a follow-up to questions the Board asked at a previous meeting:

1. The legislation that allowed engineers to have oversight – Jane Woods explained that many of the newer systems are so complex that soil scientists and/or health department personnel do not have the experience or knowledge to critique or review them.
2. Whether or not a local fee could be charged – County Attorney provided a response that the County could continue what has previously been done.

Copies of both responses were distributed to the Board.

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AGRICULTURAL INDUSTRY BOARD ORDINANCE AMENDMENT

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

Mr. Coffield stated that this was a housekeeping item. The original ordinance had an Agricultural Director; however, now, the Unit Director of Extension Services is responsible for those duties.

The Chairman declared the public hearing open.

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

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

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

Ms. Sorrells:

- 1. Drought issues to be discussed at Staff Briefing on August 25th.
- 2. State mandate (budget shortfall) – Roanoke news article of Roanoke County’s Board of Supervisors’ opposition to “local cuts” distributed to Board.

Mr. Garber:

- 1. New Hope Community Center improvements – allocation from Middle River Infrastructure Account to be considered at the Staff Briefing on August 25th. He also suggested viewing this property.
- 2. Agriculture Forestal District Meeting – Informational meeting on August 18th, at 7:00 p.m., at the Government Center.

Chairman Beyeler: Contractor/citizen complaint received. Presented information to County Administration to be addressed.

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RECYCLING COMMITTEE - REAPPOINTMENT

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board reappoint Mona Lee Welliver to serve another four-year term on the Recycling Committee, effective September 25, 2008, to expire September 24, 2012.

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

Nays: None

Absent: Howdyshell

Motion carried.

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BUILDING BOARD OF APPEALS - REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board reappoint Jack Todd to serve another five-year term on the Building Board of Appeals, effective November 1, 2008, to expire October 31, 2013.

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

Nays: None

Absent: Howdyshell

Motion carried.

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STREET ADDITION

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. Fairoaks Subdivision (Wayne District)

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STREET ADDITION (cont'd)

Becky Earhart, Senior Planner, displayed property and asked the Board to consider resolution for street acceptance.

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

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

Fairoaks Drive
From: Route 1316
To: 0.09 miles north of Route 1316
Length: 0.09 miles

Hickory Nut Lane
From: Intersection of Fairoaks Drive
To: 0.08 miles west of Fairoaks Drive
Length: 0.08 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 010001264, Plat Book 1, Pages 4686 and 4687, recorded February 10, 2001.

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: Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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ACCESS MANAGEMENT

The Board received a presentation by staff on new State requirements.

Ms. Earhart advised that Timmy Fitzgerald, with VDOT, will be giving a presentation at the Staff Briefing on August 25th. She stated that, effective July 1, 2008, another set of transportation regulations have taken effect statewide. Access Management Standards were added to the existing TIA requirements for projects on certain roads in the County. VDOT enacted the new access management standards to help control access to state roadways. The goals of these regulations are to ensure safety and preserve the investment in the existing road system. Entrances will have to meet the new requirements or permits will not be issued by VDOT. The regulations are being implemented incrementally based on road types. Initially, the regulations will just apply to specified principal arterials. In Augusta County they will apply to:

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ACCESS MANAGEMENT (cont'd)

1. Route 250 from Staunton to Waynesboro
2. Route 340 from the intersection with Route 11 north to the Waynesboro City Line
3. Route 262 from Interstate 81 west around Staunton to Interstate 81 south of the City

The standards include the following:

1. New spacing standards for commercial entrances and intersections, including 2,640' between signalized intersections and 1,320' between non-signalized intersections.
2. Increased distances from interstate interchanges and entrances.
3. Entrances are not allowed in the functional area of the intersection and site design changes may be required to prevent queuing onto the highway.
4. Accommodations for shared entrances with adjacent properties will be required as part of the permitting process, unless there is a compelling reason why it cannot be done.

The standards are imposed by VDOT and not Augusta County. There is an appeal process with VDOT to request an exception to the spacing standards.

Chairman Beyeler stated that legislation may be needed to give some flexibility on some of these issues. He referred to his area where the crossovers (stop lights) are in, but not one-half mile apart. Ms. Earhart suggested that question be asked at the Staff Briefing. She said that in that case where the medians are already in place, they may have flexibility. She referred to Route 11 improvements, where commercial entrances may have been provided. She stated that would not necessarily guarantee full access entrance onto the property. Chairman Beyeler mentioned that if the speed limit is 25 or 35, it should be different than if it is 55 m.p.h. Ms. Earhart said there were some guidelines in terms of the speed limit and whether it is a rural or urban section. Ms. Earhart understood that the other roads are going to come under the guidelines in October 2009. If there are changes that are needed to be made, Ms. Earhart felt it appropriate to review now with the legislators.

Mr. Coleman asked if these new regulations would be combined with the Traffic Impact Analysis (TIA). Ms. Earhart said that, in many cases, where the TIA does not necessarily impact the development these regulations will – if they do not reach the threshold in terms of traffic generation, they would not have to do the TIA, but would still have to meet the Access Management standards.

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CONSENT AGENDA

Mr. Pyles asked that the Regular Meeting, Wednesday, July 23, 2008, minutes be removed from the Consent Agenda.

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, July 21, 2008
- Joint Meeting, Wednesday, July 30, 2008

CLAIMS

Approved claims paid since July 23, 2008.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

COST OF LIVING RAISE (cont'd)

County Payroll	\$480,052	(monthly)
Com/Treasurer Payroll	<u>59,239</u>	(monthly)
	\$539,291	
	<u>x .02</u>	(COL)
	\$ 10,786	
	<u>÷ 181</u>	(# of employees)
	\$ 59.60	

It was noted that this calculation did not include Middle River Regional Jail, Shenandoah Valley Social Services, and constitutional officers not on the County pay and classification plan (Sheriff, Commonwealth Attorney, and Circuit Court).

A Board member had inquired if it was the Board of Supervisors' intent to provide the cost of living increase effective July 1st. If that is the desire of the Board, the six-month increase could be recalculated to annualize . . . \$29.80/month/employee.

Chairman Beyeler recalled that Mr. Pyles had suggested this because of the high fuel prices and was under the impression that this would start July 1. Mr. Pyles thought that he had recommended that it be done similar to the Service Authority—that a certain amount of money be divided equally to every employee. Mr. Coleman thought that this would be implemented in January as it had always been done. Messrs. Garber and Shifflett, and Ms. Sorrells recalled that this would be implemented in July.

Mr. Pyles moved, seconded by Mr. Garber, that the Board approve the FY08-09 Cost of Living raise be implemented retroactively to July 1st (12 equal allocations in the amount of \$29.80 per month per employee).

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

Nays: None

Absent: Howdyshell

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

7. VDOT Commissioner's meeting – distributed information to the Board.

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8. Augusta County Service Authority Waiver request for variance for a utility lot so they can construct a well site on the property.

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

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 STAFF (cont'd)

9. Streetlight Policy Committee – current policy distributed to Board. Mr. Shifflett and Mr. Howdyshell were asked to serve on committee. Asked that the Board give its input to the committee. Suggested that it be modified to be intersections only; also, all future rezonings have it as responsibility of the Homeowners Association.
10. Building Permits – information placed in Board mail slots.
11. Annual Fuel Bid went out – working jointly with Service Authority, School Board and Augusta County. Jennifer Whetzel, Director of Finance, said that the bid was awarded to everybody that responded. It covers all areas of the County from Augusta Petroleum, Dixie Gas, Holtzman, and Craigsville IGA. The contract will be analyzed to determine the best choices. It is based on the wholesale price, plus a differential rate which would include freight and delivery charges and would fluctuate month-to-month. The last bill paid was approximately \$3.68 a gallon (June). From the time of the bid to now, gas has dropped 26¢ retail; diesel has dropped 41¢.
12. Year-end Budget Closeout – will be discussed at August 25th Staff Briefing.
13. Infrastructure Account Status – will be discussed at August 25th Staff Briefing.
14. Landfill Capital Projects – summary report distributed to Board. Board consensus to continue to fund capital projects from General Funds/Fund Balances versus Bonding.
15. Landfill Committee report regarding Manager's position and financing distributed to Board.
16. Boundary Line Adjustments:
 - a. Byrd Hill (Beverly Manor) – Staunton is ready to proceed. Previous Board, on November 14, 2007, gave the County Attorney (Steve Rosenberg) authority to proceed. The new County Attorney (Pat Morgan) has been briefed. The key issue is having connectivity. With it being a subdivision, they wanted another entrance for Fire and Rescue, law enforcement, emergency services, etc. However, in doing so, they had to cross a stream which is located in Augusta County (under VDOT's secondary roads for maintenance). It was staff's prospective that if it only serves City residents, those culverts and bridge structures should be in the City for their future maintenance. A boundary line adjustment would impact about 2.5 acres. Ms. Earhart displayed the property for the Board. Ms. Earhart noted there were no houses on the property. Mr. Shifflett felt that there would be no adverse affects on adjusting the boundary line.

Mr. Shifflett moved, seconded by Mr. Coleman, that the Board authorize County Attorney to proceed.

Mr. Coffield added that the developers' attorney has drafted all documents needed for a boundary line adjustment. In addition to approving agreements, advertising for a public hearing, a Circuit Court petition, a consent order, and Judge approval for a boundary line adjustment are necessary.

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

Nays: None

Absent: Howdyshell

Motion carried.

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- b. Widener Property (Pastures District) - Ms. Earhart explained the developers own property that is part of Baldwin Hills Estate Subdivision and is zoned Rural Residential. The developers also own an adjacent piece of property located within the City limits of Staunton that has no road frontage. The developers would like to add the Widener property to build a road off Shutterlee Mill Road that would serve the lots in the City. The

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

City has concerns in providing City services having to go out into the County through a County subdivision and back down into the City. Their preference is to come straight out to City property. Ms. Earhart noted there were no houses on this property.

Mr. Pyles met with the developers several times, and agreed that this was the appropriate process.

Mr. Pyles moved, seconded by Mr. Garber, that the Board authorize County Attorney to proceed.

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

Nays: None

Absent: Howdyshell

Motion carried.

Chairman Beyeler mentioned that areas along Route 262, and other places, where there are City boundary lines, the County should be getting something in return. He suggested that the Board look at all of those options to ensure that it is not a "one-way street". He asked if Mr. Pyles and Mr. Shifflett would work with staff to bring back to the Board suggestions. Mr. Coffield said that staff has a map designating those types of parcels.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

17. Frontier Drive Corridor Study – Joint worksession with Staunton – Ms. Earhart asked that Board give available dates at the August 25th Staff Briefing.

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ADJOURNMENT

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

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

Nays: None

Absent: Howdyshell

Motion carried.

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Chairman
H8-13min.08

County Administrator