Regular Meeting, Wednesday, October 23, 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 Pam L. Carter Marshall W. Pattie

Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator John Wilkinson, Director of Community Development

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

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

Supervisors held on Wednesday, October 23, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia,

and in the 244th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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

Keagan Wolver is a member of the Student Council Association. He helps with the school store that sells school supplies.

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

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COMPREHENSIVE PLAN FUTURE LAND USE MAP-GAP VALLEY FARM LLC

This being the day and time advertised to consider a request to amend the Augusta County Comprehensive Plan Future Lan use Map from low Density Residential (1/2 to 1 unit per acre) to Urban Open Space for approximately 160 acres (portion of TMP 043-26 approximately 470 total acres) owned by Gap Valley Farm LLC located at 1957 Buffalo Gap Highway (Rt. 42) on either side of Buffalo Gap Highway north of the intersection of Buffalo Gap Highway and Parkersburg Turnpike (Rt. 254) in Swoope in the Pastures District. The proposed general use of the property is agriculture and open space through placement of a conservation easement. The Planning Commission recommends approval.

Leslie Tate, Senior Planner, showed a map of the property on the screen. The request is to remove this property from being slated for residential development and have it designated as open space in the future land use map. This would allow the placement of a conservation easement to be in accord with County planning documents.

COMPREHENSIVE PLAN FUTURE LAND USE MAP-GAP VALLEY FARM LLC (CONT'D)

Elana Sensabaugh and Ben Flory, co-applicants, stated their family farm has existed for four generations. It is their hope that being able to protect their land with a conservation easement will allow it to continue in the family for future generations.

The Chairman declared the public hearing open.

Bobby Whitescarver, 120 Trimbles Mill Road, Swoope, stated that he supports the recommendation from the Planning Commission.

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

Ms. Carter moved, seconded by Dr. Pattie, that the Board approve the amendment of the Augusta County Comprehensive Plan Future Land Use from Low Density Residential to Urban Open Space that is owned by Gap Valley Farm, LLC.

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

and Pattie

Nays: None

Motion carried.

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ORDINANCE AMENDMENT-MANUFACTURED HOME SUBDIVISION

This being the day and time advertised to consider an ordinance to amend Article XIV. Manufactured Home Subdivision (MHS) Districts. Section 25-141. Additional Purpose, Section 25-142. Additional permitted use, and Section 25-144. Additional prohibited use. The Planning Commission recommends approval.

Ms. Tate stated that this a zoning district that no longer exists as far as rezoning to this district. There is one area within Augusta County that is still zoned Manufactured Home Subdivision and falls within those zoning regulations. This amendment adds modular and stick built single family dwellings as a permitted use in the Manufactured Home Subdivision zoning district. This district was created with the intention that it was residential development in the form of subdivisions with individual ownership of lots which is different from the Manufactured Home Park district.

The Chairman declared the public hearing open.

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

Mr. Wells moved, seconded by Mr. Shull, that the Board approve the amendment as presented.

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

and Pattie

Nays: None

Motion carried.

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PROFFER AMENDMENT-V R ASSOCIATES

This being the day and time advertised to consider a request to amend and restate proffers on approximately 9.7 acres owned by V R Associates located on the east side of Lee Highway, (Rt. 11) and approximately 0.2 of a mile north of the intersection with Lee Highway (Rt. 11) and Weyers Cave Road (Rt. 256) in Weyers Cave in the North River District. The Planning Commission recommends approval with amended proffer to address VDOT.

Ms. Tate stated that the property currently has four proffers. Two of the proffers the applicant is restating the exact same way, but are requesting to amend the other two proffers. Ms. Tate reviewed the two proffers to be amended and the phases that are recommended for construction.

Ray Burkholder of Balser and Associates represents the applicant. He added that there have been a number challenges to the site with utilities and road construction. They are ready for site plan to be approved and move forward with the first phase within the business.

The Chairman declared the public hearing open.

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

Dr. Pattie moved, seconded by Mr. Shull, that the Board accept the proffer amendment for the property.

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

and Pattie

Nays: None

Motion carried.

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ORDINANCE AMENDMENT-NOISE CONTROL

This being the day and time advertised to consider an ordinance to amend Chapter 15. Nuisances. Article I. Noise Control. Section 15-9. Unnecessary Noises Enumerated.

Ms. Tate stated that this is an ordinance amendment. This is not in the zoning ordinance so there will not be a Planning Commission recommendation. It is in the noise control article of the chapter. This amendment prohibits, in all zoning districts, the use of air cannons, carbide cannons, or other loud explosive devices which are designed to produce high intensity sound percussions for the purpose of repelling birds. The code of Virginia section references the authority of the State for the County to prohibit or regulate that specific use.

The Chairman declared the public hearing open.

Clay Trainum, 1100 Rockfish Road, Waynesboro, is the owner of Autumn Olive Farms. He is in opposition of this ordinance amendment. The farm encountered a problem that caused them to lose piglets due to Roto Virus. After great effort to treat, it was found that Starlings cause the Roto Virus. They tried various ways to detour the birds and found that the propane cannons were the most effective.

Luke Trainum, 136 Heritage Drive, Waynesboro is in opposition of the ordinance amendment. He has reached out to every member of the Board and has a response from everyone. This shows the Board cares about the community. Mr. Trainum reiterated what the previous speaker said. He understands the neighbors' concerns on

ORDINANCE AMENDMENT-NOISE CONTROL (CONT'D)

the issue, but the total banning and removal of the most economical non-lethal and safest tool to use is a major issue. If that is done, there are no options other than poison. This is a farming County and they need to be supported.

John Sills, 524 Waldrop Road, Swoope, is in support of the ordinance amendment. This noise is a big issue during the summer months. His home is approximately one mile of the vineyard so they are not affected by the noise as much as some people are.

James Simmons, 117 Robinhood Road, Staunton is in opposition of the ordinance amendment. He represents the vineyard in Swoope. The owners have heard the concerns of the community and have tried to make adjustments to accommodate the complaints. There are other options available, but they are not as effective and more expensive.

John Mark Burnette, 1032 Leaport Road, Verona, is in opposition of the ordinance amendment. He works at the vineyard in Swoope and has heard no complaints on the issue.

Leah Rhodes, 775 N. Mountain Road, Swoope, stated that she lives on the property next to the vineyard. The cannons are disruptive. She understands the need to protect the farm, but it is difficult to live under the conditions. She has contacted the owner and voiced her concern.

Dwight Wood, 709 N. Mountain Road, Swoope, joins the property of the vineyard. He is representing 40 residents that have been effected by the use of the cannons and the problems they have created. Mr. Wood has had to change his way of life and he feels he shouldn't have to change what he has been doing for years because of this. It is the duty of the Board of Supervisors to protect the citizens that are affected by this.

Bobby Whitescarver, 120 Trimbles Mill Road, is in favor of the ordinance amendment. The owners of the vineyard should have discussed using the cannons with the neighbors. He lives two miles from the vineyard and the noise is very disruptive. Mr. Whitescarver objects to the cannons.

Richard Huttinger, 1106 North Mountain Road, Swoope and is in favor of the ordinance amendment. He lives across from the vineyard and the noise is disruptive. He will be forced to sell and leave if this continues.

Brandon Adams of Crimora stated that the Board's decision will affect all farms that may want to use cannons.

Keith McGinnis from Charlottesville asked the Board if everyone had heard the cannons for themselves.

Luke Trainum stated that this is an isolated concern for the Swoope area and should not affect the whole County.

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

Ms. Bragg stated that the Board has heard a number of comments from both sides.

Ms. Bragg moved, seconded by Mr. Shull, that the Board table the request and take it back to the Ordinance Committee for further review.

ORDINANCE AMENDMENT-NOISE CONTROL (CONT'D)

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

and Pattie

Nays: Carter

Motion carried.

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** THE BOARD TOOK A 10 MINUTE BREAK **

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MATTERS TO BE PRESENTED BY THE PUBLIC

Steve Morris of Churchville is the North River District candidate for the Board of Supervisors. He has concerns with spending \$70 million on the Courthouse when the County has so many other important issues. Mr. Morris took a tour of the jail and realized the jail was extremely overcrowded.

Tracy Pyles of Churchville is running for Clerk of Court. He stated this Board has become dismissive of the public. The people have a right to know what is going on and to be heard. Tax increases effect everyone. He has concerns with renovating the Courthouse and Beverley Manor Elementary School.

Max Quillen from Waynesboro Nursery is concerned about the Stuarts Draft Small Area Plan. At no time did anyone from the County contact landowners that would be impacted by the plan. The landowners do not wish to sell and object to the County plan. The Board should not vote to approve the plan until the landowners have been contacted.

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RESOLUTION-2020 CENSUS

The Board considered a resolution authorizing the creation of a Regional Joint Complete-Count Committee.

Timothy Fitzgerald, County Administrator, stated that this is in regards to an agreement made to create a joint Complete Count Committee with the City of Staunton and the City of Waynesboro. It was recommended that each jurisdiction pass a similar resolution stating the agreement in creating the Complete Count Committee and work through the PDC with the City of Waynesboro and Staunton.

Ms. Bragg moved, seconded by Mr. Shull, that the Board accept the following resolution:

RESOLUTION-2020 CENSUS (CON'TD)

RESOLUTION OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY VIRGINIA SUPPORTING THE 2020 CENSUS AND

AUTHORIZING THE CREATION OF A REGIONAL JOINT COMPLETE-COUNT COMMITTEE WITH

THE COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA AND THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA

Recitals

- A. The United States Census Bureau is required by the U.S. Constitution to conduct a count of the population and the census provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;
- B. The Board of Supervisors of the County of Augusta, Virginia, Council of the City of Waynesboro, Virginia, and Council of the City of Staunton, Virginia are committed to ensuring that every resident is counted;
- C. Federal and state funding is allocated to communities, and decisions are made on matters of local importance based, in part, on census data;
- D. Information from the 2020 Census is vital for economic development planning and increased employment;
- E. A united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens;
 - F. These recitals are an integral part of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AUGUSTA, VIRGINIA, that;

- 1. Augusta County supports the goals of the 2020 Census and will disseminate 2020 Census information;
- 2. Augusta County will encourage all of its residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;
- 3. A regional 2020 Census Complete Count Committee (Committee), to be staffed by the Central Shenandoah Planning District Commission, is hereby established for the purpose of mobilizing and leveraging personnel and resources, both internal and external, to local government administration, to assure an accurate census count resulting in an equitable share of financial assistance and representation for the citizens of the County of Augusta, the City of Waynesboro, and the City of Staunton;
- 4. The Administrator of the County of Augusta, City Manager of the City of Waynesboro, and City Manager of the City of Staunton will appoint members of the Committee to represent elected officials, faith-based organizations, neighborhoods and civic leagues, business enterprises, non-profit organizations and employees from relevant local government departments;
- 5. This resolution shall be effective immediately upon the last of the member localities to adopt substantially this form of resolution through the end of the 2020 Census period.

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

and Pattie

Nays: None

Motion carried.

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FIRE/RESCUE APPARATUS

The Board considered funding for replacement of ambulance.

David Nichols, Augusta County Fire Chief, stated that in August approval was given for the purchase of a new ambulance. This will be the second ambulance purchase. At the time, the final price for the chassis was unknown. Also under consideration is a replacement ambulance for the one that was in the accident. Settlement from the insurance company for the lost ambulance was \$65,000.00. Chief Nichols discussed and reviewed with the Board the new design on the ambulance. All necessary equipment is mounted and secured within the work area to create a safer environment. Total cost for the replacement unit is the same price as the units that were previously approved for purchase. The cost to the County for the replacement ambulance would be \$190,667.00. The difference in the chassis cost for the previously approved unit would be \$2,280.00. This is a total cost to the County of \$192,947.00. The funds are available through the Capital Depreciation budget.

Mr. Wells moved, seconded by Mr. Coleman, that the Board approve the funding request.

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

and Pattie

Nays: None

Motion carried.

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GREENVILLE BALL FIELDS

The Board considered funding for water usage at the Greenville Ball Fields.

Funding Source: Riverheads P&R Infrastructure 8025-40 \$917.70

Mr. Fitzgerald stated that this is request is due to a drought situation. Mr. Shull recommends using funds from the Riverheads Parks & Recreation Infrastructure account to cover the cost for additional water used to irrigate the fields.

Mr. Shull moved, seconded by Mr. Coleman, that the Board approve the funding request.

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

and Pattie

Nays: None

Motion carried.

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STUARTS DRAFT SMALL AREA PLAN

The Board received an update from Staff.

Ms. Tate gave an overview of the planning process for the plan. The draft of the plan has been posted on the website since October. There is also the ability for the public to submit a comment directly through the form that can be evaluated. The Stuarts Draft Small Area Plan is intended to gather background data, population data and population projections, and estimates on how much growth is expected within the twenty-year

STUARTS DRAFT SMALL AREA PLAN (CONT'D)

timeframe of the plan. The current population estimate of the Stuarts Draft Small Area Plan boundary is approximately 11,500 individuals. The population is projected to increase approximately 13,000 county wide by 2040. Using the planning policy area goals and the specific land use designated for the Stuarts Draft Small Area Plan boundary. It is estimated approximately 2,300 additional residents will locate in the small area bringing it to a total of 13,800 residents. A main element that has arose during the planning process is pedestrian and bicycle infrastructure and the importance of it and interconnectivity in an area that is planned for residential and business development. Ms. Tate showed the Stuarts Draft Future Land Use Map which has had minimal revisions. There was a transportation consultant hired for the planning process. The plan covers a range of topics such as agriculture, residential and land use, schools, fire, rescue and law enforcement. The intention of the plan is to lay out the goals and the vision statement. The policies that fall within the plan are making the goal and vision come to life. Stuarts Draft is a planned development area and it's a planned growth area. There will be growth and development in that area, but recognizing that it is framed by agriculture and will The plan identifies the stormwater focus areas map to show the continue to be. importance of the natural resource of the South River and the importance of protecting it. The map shows the source water protection overlay zoning district which is adopted to protect the public water supplies. There are recommendations for Parks and Recreation. There is a section on the economy, historic resources, housing, library, public education, public safety, utilities and broadband, water and sewer, electricity, entrance corridor overlay and design guidelines. There is an implementation strategy of the plan that takes every policy of all of the chapters and puts it in a matrix at the end that identifies what department or area would be evaluating. This is important and there have been comments received and will continue to receive comments. Ms. Tate is asking for Board approval to advertise the Stuarts Draft Small Area Plan for public hearing.

Ms. Bragg stated that this has been a long process. There are a great group of citizens from the community that serve on the Advisory Committee.

Ms. Bragg moved, seconded by Mr. Coleman, that the Board approve advertising for public hearing.

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

and Pattie

Nays: None

Motion carried.

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WAIVERS -- NONE

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells gave the Board a handout from the Central Shenandoah Planning District Commission.

Ms. Carter mentioned that the CAP-SAW accreditation process went through. The investment in this agency is well-spent money. She also stated that the cannon issue for the Trainum family is different from the situation in Swoope. She cited her research on the adverse health effects of cannons. Ms. Carters' experience is first hand and it was loud; it is a serious situation for those residents.

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

Mr. Coleman agreed that the cannon situation is a serious matter and would like to find a way to compromise. This is an issue for the entire county. He called for help in finding ways to engage the public.

Mr. Shull stated that the Board tries to make decisions for the best for all citizens.

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MATTERS TO BE PRESENTED BY STAFF

1) Mr. Fitzgerald had a great tour of the jail facility with Steve Morris. The Jail Board is in the process of doing the Community Based Correction Plan. This has to be done as part of any expansion opportunity through the state.

2) There is a transportation meeting on Monday that he plans to attend.

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CLOSED SESSION

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

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

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

CLOSED SESSION (CONT'D)

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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ADJOURNMENT

There being no other business to come before the Board, Dr. Pattie moved, seconded by Mr. Coleman, 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.

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Chairman County Administrator

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