

Regular Meeting, Wednesday, January 22, 2020, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman
Pam L. Carter, Vice-Chair
Butch Wells
Michael L. Shull
Scott Seaton
Jeffrey Slaven
Steven Morelli
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 22, 2020, 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 students from the Buffalo Gap High School that attended the 2019 Virginia Junior Classical League Convention led us with the Pledge of Allegiance:

Lizzie Irvin is a senior at Buffalo Gap High School and the co-concil of the Latin Club. Ms. Irvin is a member of the SCA and plays soccer. She plans to attend college, major in Nutrition or Biology, and then attend med school to become an Anesthesiologist.

Mackenzie Halterman is a senior and co-concil of the Latin Club. Ms. Halterman is the Executive Treasurer for the SCA. She plans to attend college and major in Classical Studies and Business.

Gavin Sorrells is a junior and is a part of the Academic Team. He plans to attend college and major in Biology.

Hunter Meadows is a freshman and plans to attend college and major in Physics or History.

Killian Campbell is a freshman and is a member of the marching band. He runs track and loves to participate in drama. Mr. Campbell plans to attend medical school and would like to pursue physical therapy or something in the medical field.

Rena Collins, Latin Teacher for Buffalo Gap High School explained what the convention consisted of for the students.

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

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January 22, 2020, at 7:00 p.m.

PATRICK LOVEGROVE-REZONING

This being the day and time advertised to consider a request to rezone, with proffers, from General Agriculture to General Business approximately 0.5 acres (TMP 54D (1) 59A) owned by Patrick Lovegrove located at 328 Cedar Green Road in Staunton in the Pastures District. The proposed general use of the property is a dog kennel. The general use of the property stated in the Comprehensive Plan is Low Density Residential, which may include detached residential units at a density of between one-half and one dwelling unit per acre. The Planning Commission recommends denial.

Leslie Tate, Senior Planner, stated that the proposed proffers include business use of the property shall be limited to a dog kennel, outdoor runs are prohibited, prior to operation of the dog kennel, a 6' opaque privacy fence will be built and traffic generated by the dog kennel will be limited to no more than 50 vehicle trips per day. The vehicle trips per day proffer is specifically related to comments from VDOT about the existing entrance. Ms. Tate showed a map of the property with the surrounding zonings. In 1974 there was a Special Use Permit granted for a construction office and construction shops for the existing building. The request is to convert the existing building into a dog kennel. If this request is approved, the 1000 gallon per minute fire flow requirements for business zoning is not met. A waiver would need to be requested of the fire flow requirements in business.

Killian Micek would like to purchase the property upon rezoning and seek the fire flow waiver. Mr. Micek read the mission statement for the kennel. He stated that this location was chosen due to proximity to other kennels and easily accessible to Route 262 and I-81. The design and size of the existing building is adequate compared to similar dog kennel facilities. General Agriculture zoning is the most designated zoning for a dog kennel. This zoning has a requirement of a minimum of five acres and the building would need to be 200 feet from any adjacent property line. After looking at 50-60 different properties that exceeded five acres up to 13 acres, did not meet the requirements of General Agriculture zoning. In the area, there are seven dog groomers, two animal hospitals and three pet retailers, but there is not a dog kennel. This is an ever-growing industry and the need for this type of facility is growing. During the Planning Commission meeting, there were concerns regarding the rezoning.

Ms. Carter asked how the dogs would be exercised.

Mr. Micek stated that there would be two indoor areas within the building for dogs to exercise. It would be separated based on the size of the dog. The kennels are no smaller than 24 square feet of the smallest and the largest is up to 50 square feet. There is an area outside for dogs to walk around. Outdoor runs, based on the size of the property, is not allowed.

The Chairman declared the public hearing to be open.

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

Ms. Carter has evaluated the property. She has concerns about the rezoning. The minimum acreage required is not met. There are a number of houses in the area and she has a concern with the noise. It is a great idea and Ms. Carter encourages him to continue to look for property. Based on the Planning Commission's recommendation, she is against the rezoning.

Ms. Carter moved, seconded by Mr. Shull, that the Board deny the rezoning request.

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PATRICK LOVEGROVE-REZONING (CONT'D)

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
and Morelli
Nays: None
Abstain: Seaton

Motion carried.

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PARK PROPERTIES, INC. -REZONING

This being the day and time advertised to consider a request to rezone from General Business to Multi-Family Residential approximately 4.9 acres (TMP 66E (6) 1 15) owned by Park Properties, Inc. located on the south side of Pinnacle Drive (Rt. 1289) approx. 700 ft. south of the intersection of Pinnacle Drive (Rt. 1289) and Life Core Drive (Rt. 636) in Fishersville in the Wayne District. The proposed general use of the property is apartments (8-20 units per acre). The general use of the property stated in the Comprehensive Plan is General Business where business uses varying scale and scope would be appropriate. The Planning Commission recommends approval.

Leslie Tate, Senior Planner, showed a map of the property and the zonings surrounding the property.

William Park, representing Pinnacle Construction Development Corporation and the owner of Park Properties. Pinnacle has owned the property for approximately 22 years. Mr. Park briefed the Board on a history of the company. They are currently developing the assisted living and memory care unit next door to the property. This will be 80 units reserved for 55 years old and older and reserved for people that make no more than 60% of the Area Median Income. Each locality has an Area Median Income Chart and currently 64,300 is the Area Median Income for Augusta County. The proximity is perfect with being close to Augusta Medical and other medical offices. The current zoning is General Business, but that has been the zoning for 22 years and things have changed since then. The Lifecore corridor has become a mixed-use type area. There is significant demand for a facility of this nature. This request is in line with the Comprehensive Plan and the Fishersville Small Area Plan. It is located in an Urban Service Area and water and sewer is already installed. Road infrastructure has been accepted into the VDOT system. The plan is for a four-story building, which will include a fitness room, a community room and a craft room.

Mr. Wells met with the Beverley Manor Ruritan Club and this type of housing is a concern of theirs so they are excited for this project to be completed.

The Chairman declared the public hearing to be open.

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

Dr. Seaton stated that this is greatly needed in the community. It complements the development next door. It will be a good addition to the area.

Dr. Seaton moved, seconded by Mr. Wells, that the Board approve the rezoning request.

January 22, 2020, at 7:00 p.m.

PARK PROPERTIES, INC. -REZONING

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Robin Hawks brought up many questions regarding the Weyers Cave Library. Dr. Hawks asked for a re-vote from the Board of Supervisors on this matter. She also questioned the site plan for the courthouse project. It is requested that the Board hold public meetings detailing the courthouse plans to the citizens. The public needs to be included in decisions in an open and transparent manner.

Mark Armstrong of Shutterlee Mill Road, encouraged the Board to approve the GO Virginia Hemp Project funding. He grew hemp this past year with a great deal of success. The weather in this area is perfect for hemp growing. It is important to create opportunity for investment in this industry.

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BRITE TRANSIT

The Board considered funding and a Letter of Commitment for the Afton Express Proposal.

Jennifer Whetzel, Deputy County Administrator, stated that representatives from the Planning Commission spoke at the Staff Briefing on their role in the Brite Transit system. The Brite Transit system is a regional system with Staunton and Waynesboro. It has seven routes and is public transit so it is available for general use by the public. It is on a schedule, there is established routes and there are fees charged. The Planning District Commission manages the transit and they receive federal, state and local match funding. Currently the service is procured with Virginia Regional Transit. The funding for the entire system is approximately 50% federal, 28% state and the local match is 22%. There are about 250,000 riders per year. The Afton Express would be adding an additional route to the current system. There was a feasibility study completed in 2017. At that time, it was presented to their partners and there was no movement to proceed. The Department of Rail and Public Transit had an interest in this study. They contracted with a firm to study the demand for this project and have been supportive of the project. There are six partners involved and three have committed. There will be stops in Staunton, Fishersville, Waynesboro and Charlottesville with a \$3.00 fare. The first years are funded through a demonstration grant, which is 80% state and 20% local. The application is due February 3, 2020. The Federal Rural Transit money, along with state and local dollars, would fund the project in the two outer years. This grant will allow time to demonstrate if the route will work. Data will be gathered on riders. The grant is competitive funding which means someone else will apply if the region chooses not to. If awarded, the grant would begin on July 1, 2020 and the service would begin in January 2021.

Mr. Morelli moved, seconded by Ms. Carter, that the Board approve the funding request and support the Afton Express proposal.

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BRITE TRANSIT (CONT'D)

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

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2019 REVOLVING LOAN REQUEST

The Board considered the committee's recommendation of a revolving loan for Churchville Volunteer Fire Department in the amount of \$500,000.00.

Timothy Fitzgerald, County Administrator, stated that the revolving loan assists agencies in purchasing new engines. The loan rotates every fifteen years. The total loan is \$500,000.00. \$300,000.00 will be paid back as a no interest loan and \$200,000.00 is the grant portion of the loan. The money comes from the Aid to Locality Program. The program is specific on what the money may be used for.

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve the revolving loan request for Churchville Volunteer Fire Department.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

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INFRASTRUCTURE ACCOUNT STATUS

The Board considered additions/deletions to Infrastructure and Recreation Capital Accounts.

Ms. Whetzel stated that a review of previously committed infrastructure or Parks & Recreation grant money that is no longer needed is prepared twice annually. The money will go back into the corresponding district. This is in accordance with the Fund Balance Policy. The project on the list for this six-month period is for a waterline repair. The Service Authority will not be billing for this repair. \$1,263.35 will be put back into the Pastures District Infrastructure account.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the additions/deletions to Infrastructure and Recreation Capital Accounts.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

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January 22, 2020, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Mr. Shull moved, seconded by Ms. Carter, that the Board approve the following resolution:

Resolution in Support of Legislation to Improve the Process for Review of Legislation with Local Fiscal Impact

WHEREAS, each year the General Assembly considers thousands of pieces of legislation, many of which have a significant impact on local governments; and

WHEREAS, in recognition of the need for localities to have an opportunity to review and analyze legislation that may require additional expenditures of local funds or reduce local revenues, Virginia Code sets out a process for the Commission on Local Government to develop local fiscal impact statements for such bills, with the assistance of local volunteers; and

WHEREAS, under the current process, the large volume of bills and the rapid pace of the legislative session limit the time that is available for the review of bills with implications for local government finances; and

WHEREAS, the local volunteers who assist with the fiscal impact review process take on this responsibility in addition to their regular duties, often during the same time as local budgets are being finalized; and

WHEREAS, prior to 2010, legislation that had a local fiscal impact was required to be introduced by the first day of the General Assembly session, which allowed some additional time for the legislation to be reviewed by the Commission on Local Government and local staff, but this requirement was eliminated in the 2010 session, compressing the opportunity for review of legislation in subsequent General Assembly sessions; and

WHEREAS, additional time to review legislation would allow for a more thorough understanding of the potential ramifications of bills affecting local finances; and

WHEREAS, a robust analysis of legislation affecting local governments benefits policymakers, as localities work in partnership with the state to deliver critical services to Virginia residents;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Augusta County expresses its support for legislation that would provide additional time for review and analysis of legislation with a fiscal impact on localities, as well as direct further consideration of additional ways to improve the review process.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
 Seaton and Morelli
 Nays: None

Motion carried.

- 2) This is a request from a group that is focusing on the Lewis & Clark Eastern Legacy Trail. Lewis & Clark went through the valley and made a stop in Greenville. A resolution of support is requested for this project. The County would support the group in the General Assembly and advocate for funding in order to establish the trail and put together information.

Mr. Shull moved, seconded by Ms. Carter, that the Board approve the following resolution:

Virginia's Great Valley Lewis & Clark Eastern Legacy Trail (VGV-LCELT)
RESOLUTION OF SUPPORT

WHEREAS, in 1978, Congress established the Lewis & Clark national Historic Trail (LCNHT) from Wood River, Illinois to the mouth of the Columbia River in Oregon; and,

WHEREAS, in 2008, as a result of the positive tourism and economic impact of the LCNHT on trail communities, as well as a growing interest in knowing the Explorers' whole life stories, Congress

January 22, 2020, at 7:00 p.m.

CLOSED SESSION

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

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

a) Augusta County Courthouse

(2) **the legal counsel exemption under Virginia Code § 2.2 3711(A)(7)**
Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

a) Augusta County Courthouse

(3) **the legal counsel exemption under Virginia Code § 2.23711(A)(8)**
Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

a) Augusta County Courthouse

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

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

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The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

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CLOSED SESSION (CONT'D)

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
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, Mr. Shull moved that the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

Chairman

County Administrator