
Regular Meeting, Wednesday, September 24, 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, September 24, 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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Jacob Hickingler, Matthew Showalter, and Sam Biggers of the Boy Scouts of America, Troop 84 in Stuarts Draft, led the Pledge of Allegiance.

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

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SPILLMAN, LLC - REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to General Business approximately 2.4 acres owned by Spillman, LLC, located on the south side of Jefferson Highway (Route 250) across from the intersection of Jefferson Highway (Route 250) and Kingsbury Drive (Route 1001) (Wayne District). The Planning Commission recommends approval with proffers.

Becky Earhart, Senior Planner, displayed property outlined in pink; blue indicates property is zoned General Agriculture; red indicates that property is already zoned General Business; green is property zoned Single Family Residential.

The applicant has submitted the following proffers:

1. At the time the use of the property changes or is enlarged and a site plan or preliminary plat is required, the entrance to the property will be modified to line up with Kingsbury Drive. In addition, access will be provided to adjacent property owners in a manner consistent with VDOT access management standards.
2. At the time the use of the property changes or is enlarged and a site plan or preliminary plat is required, the property owner will prepare a Traffic Impact Analysis meeting the requirements of VDOT (if the use meets the minimum thresholds for the study) and will install any improvements recommended by

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SPILLMAN, LLC – REZONING (cont'd)

the study and reviewed by VDOT in accordance with § 15.2-2222.1 of the Code of Virginia at the developer's expense at a time acceptable to the County.

Ms. Earhart stated that the property has been zoned General Agriculture since December 1995 when the two agricultural districts were developed. It is in an Urban Service Area, slated for Medium Density Residential. The majority of the property is planned for Business use. Public water and public sewer are available. Ms. Earhart reported that she has received a letter from Dr. Bowman, an adjacent property owner, indicating his support for the project.

William Spillman, applicant, added the site is currently an assisted living facility and is requesting rezoning to match the current use of the property.

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 with proffers:

A request to rezone from General Agriculture to General Business approximately 2.4 acres owned by Spillman, LLC, located on the south side of Jefferson Highway (Route 250) across from the intersection of Jefferson Highway (Route 250) and Kingsbury Drive (Route 1001) in the Wayne 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 numbers 9 and 11 on tax map number 67C (10) containing approximately 2.4 acres are changed from General Agriculture to General Business with the following proffers:

1. At the time the use of the property changes or is enlarged and a site plan or preliminary plat is required, the entrance to the property will be modified to line up with Kingsbury Drive. In addition, access will be provided to adjacent property owners in a manner consistent with VDOT access management standards.

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SPILLMAN, LLC – REZONING (cont'd)

- 2. At the time the use of the property changes or is enlarged and a site plan or preliminary plat is required, the property owner will prepare a Traffic Impact Analysis meeting the requirements of VDOT (if the use meets the minimum thresholds for the study) and will install any improvements recommended by the study and reviewed by VDOT in accordance with § 15.2-2222.1 of the Code of Virginia at the developer’s expense at a time acceptable to the County.

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

Nays: None

Motion carried.

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GREGORY L. OR BARBARA S. WELLS - REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to General Business approximately 1.3 acres owned by Gregory L. or Barbara S. Wells located on the south side of Parkersburg Turnpike (Route 254) approximately 0.1 of a mile east of the Route 262 interchange near Staunton (Pastures District). The Planning Commission recommends approval with proffers.

Ms. Earhart displayed property outlined in blue; colored in blue is property zoned General Agriculture; red is General Business. Two lots are being considered tonight. First, is a little Business in the front and the back portion is zoned General Agriculture. The front parcel is predominately zoned General Business, but there is a little strip of property zoned General Agriculture.

The applicant has submitted the following proffers:

- 1. Access shall be limited to no more than one ingress/egress point on to Route 254 from parcels 17 and 17A. The existing driveway serving the house on parcel 17 will remain until such time as the use of that property changes from a single dwelling. Access to parcel 17B will be combined with the new entrance to the business lots.
- 2. At the time the use of the property changes from a business office (less than 6000 square feet) and a single family dwelling or either is enlarged and a site plan or preliminary plat is required, the property owner will prepare a Traffic Impact Analysis meeting the requirements of VDOT (if the use meets the minimum thresholds for the study) and will install any improvements recommended by the study and reviewed by VDOT in accordance with § 15.2-2222.1 of the Code of Virginia at the developer’s expense at a time acceptable to the County.
- 3. Owner/developer will install a double row of “Green Giant” Arborvitae planted 10’ on center and 5-6 feet in height at the time of installation along the southern property boundary of parcel 17. The trees will be planted at the time of development of the site if the adjacent property (TM55A (5) 17B) is still zoned General Agriculture. The buffer will be maintained until such time as the use or zoning of the adjacent property is changed to business.

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GREGORY L. OR BARBARA S. WELLS – REZONING (cont'd)

Ms. Earhart noted that this property has been zoned General Agriculture since December of 1995; is in an Urban Service Area, slated for Business. Public water is available; sewer is not available.

Greg Wells, applicant, is the owner of Valley Termite and Pest Control, which is currently located on West Beverley Street in Staunton, and stated that he hopes to relocate.

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. Pyles moved, seconded by Mr. Garber, that the Board adopt the following ordinance with proffers:

A request to rezone from General Agriculture to General Business approximately 1.3 acres owned by Gregory L. or Barbara S. Wells located on the south side of Parkersburg Turnpike (Route 254) approximately 0.1 of a mile east of the Route 262 interchange near Staunton in the Pastures District.

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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 numbers 17 and 17A (portions) on tax map number 55A (5) containing approximately 1.3 acres are changed from General Agriculture to General Business with the following proffers:

1. Access shall be limited to no more than one ingress/egress point on to Route 254 from parcels 17 and 17A. The existing driveway serving the house on parcel 17 will remain until such time as the use of that property changes from a single dwelling. Access to parcel 17B will be combined with the new entrance to the business lots.
2. At the time the use of the property changes from a business office (less than 6000 square feet) and a single family dwelling or either is enlarged and a site plan or preliminary plat is required, the property owner will prepare a Traffic Impact Analysis meeting the requirements of VDOT (if the use meets the minimum thresholds for the study) and will install any improvements recommended by the study and reviewed by VDOT in accordance with § 15.2-

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GREGORY L. OR BARBARA S. WELLS – REZONING (cont'd)

2222.1 of the Code of Virginia at the developer's expense at a time acceptable to the County.

- 3. Owner/developer will install a double row of "Green Giant" Arborvitae planted 10' on center and 5-6 feet in height at the time of installation along the southern property boundary of parcel 17. The trees will be planted at the time of development of the site if the adjacent property (TM55A (5) 17B) is still zoned General Agriculture. The buffer will be maintained until such time as the use or zoning of the adjacent property is changed to business.

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

Nays: None

Motion carried.

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(END OF PUBLIC HEARINGS)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Elaine Echols introduced the Boy Scouts from Troop 84 in Stuarts Draft. She mentioned that her husband, Jim Echols, was the Scout Master and that she does the Citizenship in the Community Merit Badge course with them. She noted that the merit badge takes between 15 and 20 hours of time to receive. To receive this merit badge, the scouts have to learn about how local government operates in the community; they have to do research on a charitable organization in the community (write up what it does and volunteer to work with them 8 hours); they have to do a presentation on the attributes of their community. Ms. Echols commended the scouts because of the choices that they make. "They make very good choices for our community. The choices they make are to do good work in the community. Not all our young people make such good choices."

Chairman Beyeler asked if any scout would like to come up and talk about scouts. Jim Echols thanked the Board for allowing the Boy Scouts to participate in the meeting. Mr. Echols announced that there a few scouts working on the Communication Merit Badge. Matthew Showalter stated, "Boy Scouts is great!" Mr. Echols introduced the Boy Scouts individually and the adults who are involved in the Boy Scouts. Chairman Beyeler expressed appreciation to the adult leaders for their time spent with the Boy Scouts.

Charlie Huppuch, a retired Forest Service agent for 37 years, spoke about the George Washington National Forest Plan regarding potential wilderness areas and the management of roadless areas. He asked that the Board seriously consider how much property should be set aside for limited uses and the impact it would have on Augusta County.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Howdysshell: 1. Forest Service - felt that the forest in Augusta County currently provides a good mixture and that a letter opposing the expansion of wilderness areas should be sent to County's Congressional Delegation and Forest Service.

Mr. Howdysshell moved, seconded by Mr. Garber, that the Board authorize staff to submit a letter to Congressional Delegation (copy Forest Service) informing them of the Board's opposition.

Ms. Sorrells felt that, before a letter is submitted, the Board should look carefully at the map to determine the proposed areas to be set aside for "roadless and wilderness".

Mr. Garber advised that he and Mr. Howdysshell looked at the map. He also stated that he appreciated Mr. Huppach's remarks.

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

Nays: Sorrells

Motion carried.

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

Mr. Howdysshell: 2. Emergency Services Officers Association meeting – Fire Chief Crow announced that he will be retiring April 1, 2009.

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

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION - APPOINTMENT

Mr. Pyles, seconded by Ms. Sorrells, that the Board appoint Staff Planner Kimberly Bullerdick to serve an unexpired three-year term on the Central Shenandoah Planning District Commission, effective immediately, to expire June 30, 2011.

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 BOARD (cont'd)

Mr. Coleman:

- 1. Boards and Commissions annual recognition event – Thanked Mr. Pyles and Linda Hughes for a great job!
- 2. Commissioners of Revenue and Treasurers picnic - September 18th, Glen Maury Park, Buena Vista – recognized Jean Shrewsbury for leading the Commissioners of Revenue statewide this year.

Ms. Sorrells:

- 1. Household Hazardous Waste Collection statistics (held on September 20th) distributed to the Board. She noted that televisions were collected this year for the first time. She noted that information is on the Augusta

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

County website of the environmental management that was discussed at the NACo convention in Kansas City. She asked if IT could make it more accessible on the website for citizens. She mentioned that Candy Hensley, Environmental Manager, has been working with Jerry Martin, Landfill Director, and meeting with Staunton and Waynesboro to develop a regional recycling proposal that will bale plastics to sell.

- 2. Project Impact (CSPDC – Disaster mitigation group) – information distributed to Board.
- 3. NACo Kansas City convention – Serves on Public Lands Committee that works on two programs: Payment in Lien of Taxes (PILT) and Save Rural Schools (SRS) and noted that these two programs give money to Augusta County (\$338,000). For the first time, PILT will be fully funding up to 2012 if a bill is passed by the Senate.

Mr. Garber:

- 1. Project Impact brochures – suggested that brochures be provided to the Boy Scouts so “they can help other people be prepared”.

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- 2. Hay from Page County – 500 tons have been donated to Augusta County.

Mr. Garber moved, seconded by Ms. Sorrells, that the Board authorize staff to draft a letter to Page County Board of Supervisors in appreciation of their generous donation of hay.

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

Nays: None

Motion carried.

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CHURCHVILLE REVENUE RECOVERY

The Board considered draft response to Volunteer Fire & Rescue agency.

John C. McGehee, Assistant County Administrator, advised that a presentation was given at the Staff Briefing on Monday. Attached with tonight’s agenda was a draft letter to the attorney who represents the Churchville Fire and Rescue making a recommendation that the Board refer this request to the Emergency Services committee. The committee will develop a recommendation and submit it to the Board of Supervisors for their consideration.

Mr. Howdyshell added that he distributed a handout of the Revenue Recovery information that the Board had received at the Staff Briefing on Monday at the Emergency Services Officers Association meeting so that all the agencies could review. If they had any questions, they were to contact Mr. Shifflett or Mr. Howdyshell (or any other Board member).

Mr. Howdyshell moved, seconded by Mr. Shifflett, that the Board authorize the Chairman to sign letter.

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CHURCHVILLE REVENUE RECOVERY (cont'd)

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

Nays: None

Motion carried.

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EROSION AND SEDIMENT FEE WAIVER

The Board considered request to waive penalty.

Dale L. Cobb, Director of Community Development, announced that Mr. Flippen made an inspection today on the Cason property and that Mr. Flippen reported that the violations still exist. Mr. Flippen hand-delivered a letter to Mr. Cason indicating the violations of the E&S requirements. The next inspection is scheduled for October 8th.

Mr. Garber moved, seconded by Mr. Coleman, 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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Mr. Coleman distributed a chronological timeline to the Board and provided the following recommendations:

- 1. Mr. Cason be required to pay the \$250 fine and any subsequent fines until the violations have been taken care of.
- 2. Community Development Department be required to send the Notice to Comply by certified mail to the address specified in the permit application or in the plan certification.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the recommendations.

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

Nays: None

Motion carried.

Mr. Pyles noted that the Virginia Code defines that the notice can be handed directly. If no one is on site, it should be mailed by certified mail. The failure was where the notice was left on site with no one present.

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LEGISLATIVE LIAISON CONTRACT RENEWAL

The Board considered recommendation to extend agreement for an additional year.

Patrick J. Coffield, County Administrator, advised that Ms. Woods was agreeable to renew the contract for another year. Patrick Morgan, County Attorney, provided an amendment to the contract for a one-year extension.

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LEGISLATIVE LIAISON CONTRACT RENEWAL (cont'd)

Mr. Morgan indicated that it will be brought back in October, 2009 for consideration of future extensions.

Mr. Howdyshell moved, seconded by Ms. Sorrells, that the Board approve the agreement.

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

Nays: None

Motion carried.

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STREETLIGHT POLICY

The Board considered committee recommendations to revise streetlight policy.

Todd Flippen, Engineer, presented a PowerPoint presentation of the committee recommendations to revise the streetlight policy.

Mr. Flippen advised that the Streetlight Committee, consisting of Larry Howdyshell, Jeremy Shifflett, and himself, as staff representative, met to discuss revisions to the County's current Streetlight Policy. The main concern regarding the current Streetlight Policy was the increasing cost of the County's streetlight account. Under the current policy, if there are three occupied houses within 150 feet of the proposed streetlight with the nearest streetlight over 300 feet away, the county could accept the operating costs of the streetlight. It was suggested to remove this clause along with the following additional changes:

- The County will only accept streetlight requests that are for documented safety issues. Associated policy reports documenting crime and/or traffic safety incidents in the area will be required to be submitted with the request.
- The operating cost for all streetlights within a streetlight plan submitted to the County for approval will be paid by the respective Home/Property Owner's Association. Streetlight Plans approved prior to the new policy adoption will be grandfathered in and fall under the old policy.
- Administrative Fee will change from \$75 to \$100.
- Dominion Power will give the customer a choice of premium or basic light fixtures. With the new policy, premium light fixtures will not be allowed. If the property owner chooses to put in premium fixtures, the County will lonely pay the basic fixture charge.

Mr. Shifflett addressed the concern mentioned at the Staff Briefing on Monday regarding the police reports. The police report would need to identify security problems in the neighborhood, not just for vandalism, but show some type of activity occurring there such as vandalism, thefts, burglary, breaking and entering, loitering, trespassing, suspicious persons, suspicious vehicles, etc.

Mr. Howdyshell added that streetlights are costly and felt that the County could not continue current policy. He felt that the planned communities should be responsible for those types of expenses.

