

Regular Meeting, Wednesday, July 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
Leslie Tate, Senior Planner
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, July 22 2020, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 245th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Mr. Morelli led the Pledge of Allegiance.

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Ms. Carter, Supervisor for the Pastures District, delivered the invocation.

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RESOLUTION RECOGNIZING WENDELL COLEMAN

Chris Runion, 25th House District Delegate, presented Wendell Coleman with a resolution from the General Assembly.

Mr. Coleman thanked Delegate Chris Runion and members of the House of Delegates for the special recognition. He recognized his wife Betsy, daughter Nicole and members of her family, his son Troy and members of his family. Mr. Coleman also would like to share the recognition with Tim Fitzgerald, County Administrator and his outstanding staff. A special thanks to Gerald Garber, Board Chair and members of the Augusta County Board of Supervisors for all of their support throughout his twelve years of service to the citizens of Augusta County.

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DEERFIELD COMMUNITY CENTER

This being the day and time advertised to consider a lease of real estate for the Deerfield Community Center owned by County of Augusta.

Timothy Fitzgerald, County Administrator, stated that the Board worked with the Deerfield Ruritan Club to bring the community center building back into County ownership. As part of the agreement, the ruritan club would like to continue to use the building for their purposes going forward.

The Chairman declared the public hearing open.

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

Ms. Carter moved, seconded by Mr. Shull that the Board approve the lease agreement for Deerfield Community Center which is owned by Augusta County.

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

Motion carried.

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REZONING REQUEST

This being the day and time advertised to consider a request to rezone from General Agriculture with Floodplain Overlay to General Agriculture and Floodplain Overlay with a Public Use Overlay approximately 6.33 acres (TMP 68-54C) owned by County of Augusta located south of Dooms Crossing Road (Rt. 611) and Eastside Highway (Rt. 340) in Waynesboro in the Wayne District. The proposed general use of the property is recreational fishing, boating, picnic area, boat launch, lighted accessory parking area, and passive recreation. The use of the property stated in the Comprehensive Plan is Rural Conservation Area. The Planning Commission recommends approval of the Public Use Overlay request with changes to the permitted conditions.

Leslie Tate, Senior Planner, showed a map of the property purchased by Augusta County using Dupont settlement dollars in order to remove portions of the failed milldam. Portions of the removed dam and accumulated logjam will be used to stabilize upstream areas of bank erosion. Additional funds are available to develop the property into a public access site for fishing and as a put in and take out site for canoes/kayaks. The Planning Commission recommends approval but with some changes to the advertised permitted uses. Recreational fishing, boating and a boat launch are left in the request. It was advertised with a lit accessory parking lot in case that was the desire at some point in the future. The Planning Commission recommends it be an unlit, gated accessory parking area for daytime use only. A picnic area was included, but recommended to be removed. The ordinance included in the packets list the uses recommended by the Planning Commission. The Department of Game and Inland Fisheries was contacted and they did not provide any direct comments. They prefer not having trashcans. Parks and Recreation will be locking the gate each day.

Dr. Seaton has received an email from a citizen in the area. They are concerned about the rules that will be posted. This will be a benefit for this area. It will need to be monitored closely.

The Chairman declared the public hearing open.

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REZONING REQUEST (CONT'D)

Robert von Bernuth, 597 Rockfish Road, is not opposed to the rezoning, but he has reservations that the Board has thought through all of the ramifications of doing it. He feels trash will be an issue and there should be trashcans provided. Restrooms should also be available to the public.

George Malovir, 593 Rockfish Road, likes the idea. The dam is dangerous and often blocked with debris. He does not want people exiting the river on his property and this will give people another option.

Mark Haynes, 120 Doods Crossing Road, is concerned with traffic and speeding in the area. The landowners should be considered when making decisions.

James Doods, 278 Doods Crossing Road, stated that traffic is a major concern in that area. He uses the river to water his cattle on his farm. He is concerned that if the dam is removed, the direction of the river will change and he will no longer have access.

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

Dr. Seaton moved, seconded by Mr. Morelli that the Board approve the rezoning request as presented with included limitations.

ORDINANCE

A request to rezone from General Agriculture with Floodplain Overlay to General Agriculture and Floodplain Overlay with a Public Use Overlay approximately 6.33 acres (TMP 68-54C) owned by County of Augusta located south of Doods Crossing Road (Rt. 611) approx. 0.2 miles west of the intersection of Doods Crossing Road (Rt. 611) and Eastside Highway (Rt. 240) in Waynesboro 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 and record, the Planning Commission recommendation and the comments presented at the public hearing,

WHEREAS, the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice requires such amendment;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

The zoning for the following Tax Map 68 Lot 54C containing approximately 6.33 acres be changed to add the Public Use Overlay with the following additional permitted uses:

1. Recreational fishing
2. Boating
3. Boat launch
4. Unlit, gated accessory parking area for daytime use only
5. Passive Recreation

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REZONING REQUEST (CONT'D)

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

Motion carried.

Mr. Wells suggested making a formal request to the Sheriff's Department to increase patrol in the area.

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AUGUSTA COUNTY COMPREHENSIVE PLAN AMENDMENT

This being the day and time advertised to consider amendments to the Augusta County Comprehensive Plan Transportation Chapter. Amendments include addition of priority transportation projects: approximate Woodrow Wilson Workforce and Rehabilitation Center secondary access location, Rt. 256 Weyers Cave Road improvements between I-81 ramp and Triangle Drive, Route 250 improvements from Old White Bridge Road to Lew Dewitt Blvd, safety improvements to intersections 254/262, 254/792, and 254/640, and improvements on US 11 from Rolling Thunder Lane to Frontier Drive. The Planning Commission recommends approval of Amendments to the Augusta County Comprehensive Plan Transportation Chapter.

Ms. Tate stated that this was discussed in significant detail during the Staff Briefing on Monday, July 20, 2020. The amendments incorporate recommendations from numerous completed studies since the 2015 plan update. The proposed amendments also add reference to I-81 improvements and note projects within our priority list that have been completed since the 2015 plan update. Ms. Tate reviewed the amendments in detail as presented in the packet. Augusta County's application deadline for Smart Scale is August, 2020. The Smart Scale Technical Guide, which was amended in May 2020, details this round's project scoring metrics and criteria. One of the metrics for the Economic Development category is a transportation project is referenced in a local land use plan or regional economic development plan. Staff recommends that the Board of Supervisors approve the recommended approval of the proposed amendments to the transportation Chapter of the Comprehensive Plan 2014/2015 update. The specific projects will require Board approved resolutions at a later time.

The Chairman declared the public hearing open.

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

Ms. Carter moved, seconded by Dr. Seaton that the Board adopt the amendments to the Comprehensive Plan Transportation Chapter as presented.

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

Motion carried.

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FIRE/EMS WORKER'S COMPENSATION RESOLUTION

The Board considered the following resolution:

RESOLUTION TO COVER VOLUNTEER FIRE/EMS FOR WORKER'S COMPENSATION

BE IT RESOLVED that, for work-related accidents that are within the scope of their volunteer duties, the volunteer members of the fire departments and rescue squads of Augusta County specifically designated as eligible, and listed, by name, on the roster maintained by Augusta County Fire and Rescue are hereby authorized to be included as employees, solely for the purposes of the Worker's Compensation Act of the Commonwealth of Virginia, and are entitled to coverage provided under said act.

Mr. Fitzgerald stated that this is something that has been discussed for several years. The County would like to offer the Fire/Rescue volunteers the Worker's Compensation insurance in case of an accident. This will be funded through the most recent budget. The insurance company requested that a resolution be adopted stating that the volunteers will be recognized as County employees under the Worker's Compensation policy. There were questions regarding fundraising activities. If the volunteer is qualified under worker's compensation, then the worker's compensation policy would cover the accident. Ladies Auxiliary and administrative members are not covered under the worker's compensation policy; however, they are covered under an accident policy that is currently in place. Jim Benkahla, County Attorney, has reviewed the resolution and agrees that the resolution complies with the State Code in regards to worker's compensation. The policy went into effect on July 1, 2020.

Mr. Shull expressed concerns with job descriptions and who would be covered under this resolution.

Ms. Carter asked for clarification on the wording regarding the employee coverage at the Staff Briefing on Monday. She has concerns the resolution entitles volunteers to employee benefits. The new language in the resolution clarifies her concerns.

Mr. Shull moved, seconded by Dr. Seaton, that the Board approve the resolution with added language.

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

Motion carried.

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WAIVERS

- 1) The Board considered a waiver request from the requirement to connect to public sewer from Jeff and Jean Link.

John Wilkinson, Director of Community Development, stated that Jeff and Jean Link of Quicks Mill Road in Verona is requesting a waiver from water and sewer that requires a connection to the public water system for a new lot to build a dwelling located in the Urban Service Area. The water line is located along Cedar Lane, which would require an easement from an adjacent neighbor in order to extend the public water line to their

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WAIVERS (CONT'D)

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

Motion carried.

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CONSENT AGENDA

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

MINUTES

Consider minutes of the following meeting:

- Regular Meeting, Wednesday, May 27, 2020

CLAIMS

Consider claims paid since June 1, 2020

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

Bob Shipp, 102 Duck Pond Lane, Stuarts Draft, requests the Board to consider asking staff to review the business exemptions in the noise ordinance. Businesses that are less than 500 feet from a residence should not be exempt from the ordinance.

Mr. Shull stated that the Ordinance Committee and staff would review it, but to keep in mind that any changes made will affect the entire County.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells would like to show support for the School Board with the difficult decisions to be made.

Ms. Carter updated the Board on Verona Elementary School. The group that that was interested in using the building will be using another location.

Dr. Seaton stated that the focus for the General Assembly in August will be the Second Amendment.

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

• Replaced the word "overwhelm" with ordinance language, "undue adverse impact on the surrounding neighborhood," used for every Special Use Permit that is permitted in General Agriculture for consistency so as not to evaluate utility scale solar differently than other uses requiring a Special Use Permit. There is a project that plans to apply by the end of the week, so there is somewhat of an urgency with this process. Advertising for public hearing does not mean that changes cannot be made at a later time. At the time of the public hearing, the plan can be tabled until a later date or amended in any way.

Mr. Morelli does not agree with some of the language.

Dr. Seaton suggested other changes he would like to see made before the plan is approved.

After a lengthy Board discussion, it was agreed to move forward with the public hearing.

Mr. Shull moved, seconded by Mr. Wells, that the Board authorize advertising for public hearing with the wording as presented.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, and Slaven
 Nays: Seaton and Morelli

Motion carried.


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ADJOURNMENT

There being no other business to come before the Board, Mr. Shull moved, seconded by Mr. Wells 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