

Regular Meeting, Wednesday, August 25, 2010, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman  
Jeremy L. Shifflett, Vice-Chairman  
David R. Beyeler  
Wendell L. Coleman  
Larry C. Howdyshell  
Tracy C. Pyles, Jr.  
Nancy Taylor Sorrells  
Patrick J. Morgan, County Attorney  
Timmy Fitzgerald, Director of Community Development  
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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 25, 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 235<sup>th</sup> year of the Commonwealth....

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Chairman Garber welcomed the citizens present and reminded them to remove their hats and turn off their cell phones.

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Bob Stuart, reporter for the Waynesboro News Virginian, led the Pledge of Allegiance.

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Tracy C. Pyles, Jr., Supervisor for the Pastures District, delivered invocation.

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**PRIVATE FIRST CLASS WILLIAM WAYNE HENDERSON – RESOLUTION**

Mr. Howdyshell moved, seconded by Mr. Pyles, that the Board adopt the following resolution:

**RESOLUTION**

**WHEREAS**, Private First Class William Wayne Henderson, United States Army, was a resident of Augusta County, Virginia; and

**WHEREAS**, Private First Class William Wayne Henderson, United States Army, graduated from Wilson Memorial High School in 1968; and

**WHEREAS**, upon graduation, Private First Class William Wayne Henderson, United States Army, was inducted into the United States Army, and went to Vietnam in 1969; and

**WHEREAS**, Private First Class William Wayne Henderson, United States Army, served with Company D, 1<sup>st</sup> Battalion (Airmobile), 5<sup>th</sup> Cavalry; and

**WHEREAS**, Private First Class William Wayne Henderson, United States Army, was a recipient of the Silver Star; Air Medal; Bronze Star; and The Purple Heart; and

**WHEREAS**, on April 27, 1969, Private First Class William Wayne Henderson, United States Army, was killed in action in Vietnam; and

**WHEREAS**, Private First Class William Wayne Henderson, United States Army, a proud Soldier and a proud American, was laid to rest in Lyndhurst, Virginia, on May 3, 1969; and

**NOW, THEREFORE, BE IT RESOLVED**, meeting in regular session on August 25, 2010, the Augusta County Board of Supervisors celebrates and honors the life, accomplishments, and ultimate sacrifice of Private First Class William Wayne Henderson, United States Army; and

**BE IT FURTHER RESOLVED** that the Augusta County Board of Supervisors wishes to express its most sincere condolences to the family of Private First Class William Wayne Henderson, United States Army; and

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**PRIVATE FIRST CLASS WILLIAM WAYNE HENDERSON – RESOLUTION** (cont'd)

**BE IT FURTHER RESOLVED** that the Augusta County Board of Supervisors, by copy of this resolution, hereby request that the Commonwealth Transportation Board name the bridge over South River, structure #6071, on Route 664, in Lyndhurst, Augusta County, Virginia, the "William Wayne Henderson Memorial Bridge"; and

**BE IT FURTHER RESOLVED** that the Augusta County Board of Supervisors has agreed to pay the cost and expense associated with the placement of appropriate markers; and

**BE IT STILL FURTHER RESOLVED** that a copy of this Resolution be presented to the family of Private First Class William Wayne Henderson, United States Army, and spread upon the minutes of the Augusta County Board of Supervisors.

Chairman Garber noted that Mr. Howdysshell is a veteran of the Vietnam conflict.

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

Nays: None

Motion carried.

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**PLANNED COMMERCE DISTRICT**

The Board considered an ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled "Planned Commerce District". The Planning Commission recommends approval.

Timmy Fitzgerald, Director of Community Development, advised that this ordinance would allow greater flexibility for business development in the County. To have that flexibility will help attract jobs and tax base for the County and stimulate growth throughout the County.

Becky Earhart, Senior Planner, provided a PowerPoint presentation. The district will allow the mixing of industrial and commercial uses, along with the necessary supporting accessory uses and facilities, including upper-story residential uses. Currently, you have to either have a business zoning or an industrial zoning; this will allow both types and uses. The district can be used on undeveloped sites, as well as sites with existing buildings. It requires a concept plan at the rezoning stage. It requires three different use categories and three different areas unless it is an existing building. Some highlights are as follows:

**Permitted Uses Categories:**

- General industrial
- Light industrial
- Research and development
- Warehouse
- Professional and business offices
- Hospitality establishments
- Upper-story residential
- Retail and service businesses
- Common open space
- Limited Outdoor Storage (up to 10,000 square feet and no more than twelve feet in height) Anything larger would require a special use permit and require that that use be identified on the Concept Plan.

**Administrative Permit Uses (currently allowed in business or industrial districts):**

- Day care centers
- Smaller wireless communications facilities
- Certain wind energy systems

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## PLANNED COMMERCE DISTRICT (cont'd)

### **Special Use Permits**

- General outside storage (to be identified on Concept Plan)
- Repair of vehicles
- Larger wireless communication facilities
- Wind energy facilities

### **Prohibited Uses**

Many of the prohibited uses in this district are special use permit uses, general business or general industrial uses districts.

### **Other Requirements**

- No minimum lot area or lot width requirements unless specified on the Concept Plan
- Lot frontage required on internal public street, private streets, or parking lots
- Minimal setbacks, primarily from adjacent properties and interstate and collector highways
- Height shall not exceed seventy-five feet
- Buffer yard would be provided adjacent to any property line not entirely zoned business, industrial, or planned commerce and landscaped in one of two ways (to be determined at the Concept Plan stage)
  - Alternative 1: A 10' wide strip of land with a 6' opaque, vinyl privacy fence, wall, berm, or combination
  - Alternative 2: A 20' wide strip of land landscaped
- Parking – blended rate for buildings that would have a mixture of uses inside or apply the regular parking requirements

### **Concept Plan**

- General layout of the property required to determine what areas were to be planned for what uses
- Special requirements would be established – buffer yard plans and circulation plan

Ms. Earhart reported, since Monday's Staff Briefing, that there has been some revisions to the ordinance. An amended version was distributed to the Board. She noted that, regarding the Concept Plan, the scale would now be "not to exceed 1 inch to 400 feet" and requiring no greater than 10 foot contours. The other change was a wording change: "At least 3 different areas must be delineated on the Concept Plan, except in the case of existing buildings, in which case a district may be approved with only one area. No planned Commerce District may be approved with less than 3 different permitted use categories."

Patrick J. Coffield, County Administrator, added that the Augusta County Service Authority's request for additional information at the Concept Plan stage was discussed on Monday. Ms. Earhart reiterated that when the rezoning is finished, it still has to be followed up with a preliminary plat and a site plan. More detailed water, sewer, utilities and drainage issues can be addressed at that stage and not at the Concept Plan.

Mr. Howdyshell asked if the Concept Plan would include plans for all other utilities in addition to water and sewer. Ms. Earhart said that they could be shown but it is not required. He felt this concern needed to be addressed.

The Chairman declared the public hearing open.

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

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance with revisions:

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PLANNED COMMERCE DISTRICT (cont'd)

ORDINANCE OF THE BOARD OF SUPERVISORS  
OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, The Augusta County Board of Supervisors has found it desirable to amend the Zoning Ordinance of the Augusta County Code to add a new Section creating a Planned Commerce District;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

That the Zoning Ordinance of the Augusta County Code is amended to add Article XLII. Planned Commerce Districts and to read as follows:

CHAPTER 25. ZONING.

DIVISION G. MIXED USE DISTRICTS.

Article XLII. Planned Commerce Districts.

**§25-435. Purpose.**

The district is intended to provide an opportunity for a planned commercial and industrial development which allows the mixing of industrial, office, research and development, limited retail, and hospitality uses and the necessary supporting accessory uses and facilities, including upper-story residential uses, designed to complement surrounding land uses by means of appropriate siting of buildings and service areas.

**§25-436. Concept plan required.**

As part of the application for rezoning, a concept plan for the land under consideration for rezoning must be submitted and approved. The plan shall divide the property into one or more areas and identify the permitted uses and other development regulations associated with each area. At least 3 different areas must be delineated on the Concept Plan, except in the case of existing buildings, in which case a district may be approved with only one area. No Planned Commerce District may be approved with less than 3 different permitted use categories. ~~In the case of existing buildings, a district may be approved with only one area. In all other cases, at least 3 different areas must be delineated on the Concept Plan.~~

**§25-437. Permitted uses.**

The following use categories shall be permitted within Planned Commerce Districts without an Administrative or Special Use Permit and as designated on the Concept Plan. Additional uses may be identified and approved on the Concept Plan. More than one use category can be permitted within the same building as long as each of the use categories is allowed in the area.

**General industrial uses-** A facility conducting manufacturing or other industrial uses with no limitations as to size of the building.

**Light industrial uses-** A facility 50,000 square feet or less conducting light manufacturing or other industrial operations within a fully-enclosed building.

**Research and development uses-** A facility focused primarily on the research and development of new products, but may include some production.

**Warehouse uses-** A facility involved in the storage of goods or materials.

**Professional and business offices-** A facility focusing on business, government, professional or financial services.

**Hospitality establishments-** Lodging and dining establishments.

**Upper-story residential uses-** Dwelling units not on the ground floor of a building where at least 90% of the ground floor is devoted to non-residential uses. Any such use shall also meet the requirements of §25-303.H.

**Retail and service businesses-** A facility involved in the wholesale or retail sale, lease or rental of new or used products or providing personal or repair services, but not including business support businesses, vehicle sales lots and vehicle service establishments or adult businesses.

**Common open space-** Uses focusing on natural areas consisting mostly of open vegetation, passive or outdoor recreation areas, and having few structures.

**Limited Outdoor Storage-** The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall be in a designated storage area of less than 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view at grade. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard.

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**PLANNED COMMERCE DISTRICT (cont'd)**

**§25- 438. Accessory buildings and uses.**

Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Planned Commerce Districts, subject to the applicable provisions of article V of division A of this chapter.

**§25-439. Uses permitted by Administrative Permit.**

The uses listed in this section shall be permitted within Planned Commerce Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter and in compliance with any additional restrictions imposed on the Concept Plan. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood.

**A. Off-site sale of seasonal items.**

Off-site sale for more than thirty (30) days of seasonal items such as Christmas trees, fireworks, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one year period; and

2. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible off-street parking spaces are available to serve the patrons of such operation prior to its authorization; and

3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and

4. No site plan as provided in § 25-672 of this chapter shall be required.

However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and

5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted.

**B. Office trailers, buildings, off-site parking, or equipment storage facilities or off-site materials storage in connection with temporary construction.**

The temporary placement, development or use of off-site office trailers, buildings, parking lots or equipment or materials storage areas or facilities in connection with construction projects may be permitted by Administrative Permit provided:

1. Items permitted are in connection with specific construction projects being conducted within the Planned Commerce District.

2. Items permitted are placed no sooner than thirty (30) days prior to the beginning of construction and removed within thirty (30) days after completion or suspension of construction.

3. Items permitted are placed within reasonable proximity of the construction project.

**C. Trailers used other than as recreational vehicles.**

Trailers used other than as recreational vehicles may be permitted by Administrative Permit for the following uses:

1. Mobile banks or similar financial facilities provided that the permit shall not be granted for a period in excess of two (2) years and may be renewed for an additional term of two (2) years.

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PLANNED COMMERCE DISTRICT (cont'd)

3. Any such structure shall meet all setback and yard requirements.

D. Day care centers.

Day care centers may be permitted by Administrative Permit provided:

1. Approval of a commercial entrance permit for the use has been obtained from the Virginia Department of Transportation.

2. Approval of the building for the use has been obtained from the Building Inspection Department.

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

E. Outdoor Display of Merchandise associated with a permitted use.

Outdoor display of merchandise associated with a permitted use may be permitted by Administrative Permit provided that the use shall be limited to that merchandise which:

1. Is in working order and ready for sale; and

2. Is located in side or rear yards; or

3. If in front, can be accommodated in the area immediately adjoining the front of the principal building and extending not more than twenty feet (20') from it except:

a. In the case of a permitted gasoline sales establishment, outdoor display can be accommodated on the pump islands;

No such display shall encroach upon any required parking or loading area or vehicular circulation area.

F. Soil sifting and sales of materials generated on-site.

Soil sifting and the sales of materials generated on-site may be permitted by Administrative Permit provided:

1. The sale of materials is for a stated limited period of time not to exceed twelve (12) months. An extension of time is only allowed upon the issuance of a Special Use Permit by the board of zoning appeals; and

2. Adequate provisions are made for off-street parking and loading, and the sale will not disrupt traffic in the neighborhood; and

3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and

4. Adequate provisions are made for dust control, whether or not the site is large enough to require an Erosion & Sediment Control permit.

G. Home occupations, Class A.

Home occupations, Class A, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and

3. If the applicant is a tenant, written permission of the landowner is required; and

4. No display of products made shall be visible from the street; and

5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

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**PLANNED COMMERCE DISTRICT (cont'd)**

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

6. No accessory building shall be used for such occupation; and

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation, e.g. pet grooming business, must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of §25-54.1.N.

The following are not to be considered Class A Home Occupations: trash and garbage collection, small engine repair, motor vehicle repair, boarding houses, day care centers, private schools, firearm sales, landscaping businesses, and lawn care and mowing businesses.

H. Wireless communication facilities meeting all of the requirements in §25-68.4.

I. Wind energy systems meeting all of the requirements in §25-69.5.

**§25-440. Uses permitted by Special Use Permit.**

The uses listed in this section shall be permitted within Planned Commerce Districts only upon the issuance of a Special Use Permit by the Board of Zoning Appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see §25-584 of division I of this chapter.

B. General outdoor storage, if specifically identified on the Concept Plan as a potential use.

Any outdoor storage that does not meet the criteria for Limited outdoor storage or Outdoor display may be permitted by Special Use Permit provided:

1. A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter; and

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2. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic; and

3. Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for required parking or aisleways may not be used for outdoor storage; and

4. Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business; and

5. Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties; and

6. Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening; and

7. There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter; and

8. Items to be stored outside may not be items normally and customarily kept inside.

C. Sales, lease, repair, service, or storage of vehicles, tractors, trucks, boats, or similar equipment or machinery on sites with buildings in existence on August 25, 2010 and if specifically identified on the Concept Plan.

Sales, lease, repair, service, or storage of vehicles, tractors, trucks, boats, or similar equipment or machinery on sites with buildings in existence on August 25, 2010 and if specifically identified on the Concept Plan as a potential use may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for the area in which it is to be located; and

2. A site plan meeting the requirements of division J article LXVII "Site Plan Review", is filed, approved and followed which clearly delineates the areas intended for the sales, repair, service, or storage of vehicles, tractors, trucks or boats; and

3. Display and storage areas for the vehicles, tractors, trucks or boats are set back at least twenty-five feet (25') from the edge of pavement of any adjoining roads, and in no case shall a display area be within the right-of-way of any road. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks or appropriate screening when necessary to adequately protect neighboring properties; and

4. Outside display or outside storage of junk or inoperable vehicles, tractors, trucks, or boats is prohibited; and

5. There is an adequate plan for protection from fire and other hazards.

D. Wireless communication facilities meeting all of the requirements in §25-68.5.

E. Wind energy systems meeting all of the requirements in §25-69.6.

**§25-441. Prohibited Uses.**

All uses except those listed in the sections above are specifically prohibited in Planned Commerce Districts. In addition, specific uses may be prohibited in designated areas by the individual restrictions approved as part of the rezoning. In no case shall the following uses be allowed:



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**PLANNED COMMERCE DISTRICT (cont'd)**

1. Adult businesses
2. Amusement businesses involving the exhibition of animals
3. Bars or nightclubs
4. Batching plants for asphalt, cement, or concrete
5. Coal and wood yards
6. Extraction of minerals, rock, gravel, sand, and similar materials
7. Facilities for the distillation of bones
8. Feed, grain and fertilizer sales, storage and handling facilities
9. Flea markets
10. Hunting and trapping as commercial or industrial operations
11. Junkyards
12. Livestock market and sales pavilions
13. Manufacture, processing or storage of explosives or hazardous substances
14. Recreational attractions and public amusement businesses
15. Sawmills
16. Slaughterhouses and animal product processing plants except those permitted in §25-382.B.
17. State highway maintenance facilities
18. Transfer station
19. Truck Stops and travel plazas

**§25-442. Lot area and lot width.**

There shall be no minimum lot area or lot width requirements for individual parcels in Planned Commerce Districts except as may be specified on the Concept Plan and as necessary to meet health, safety and welfare requirements.

**§25-443. Lot frontage.**

All lots shall have at least twenty feet (20') of frontage on:

- A. A new internal public street, or
- B. A private street, provided:

1. All private streets shall be designed to safely accommodate fire and rescue emergency vehicles.

2. The right-of-way of private streets shall be at least thirty feet (30') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets.

- C. A parking lot provided:

1. All parking lots shall be designed to safely accommodate fire and rescue emergency vehicles and must meet the requirements of article III. Off-Street Parking.

2. A common access easement shall be provided as evidenced by a duly recorded document or deed covenant, or both.

**§25-444. Yard and setback requirements.**

In Planned Commerce Districts, all lots are subject to the following yard and setback requirements:

- A. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer to a perimeter boundary of the Planned Commerce District than twenty-five feet (25').

- B. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed, or enlarged nearer to the right of way line of any public street external to the development identified by the Virginia Department of Transportation as an interstate, arterial or collector street than fifty feet (50') or any other public or private street external to the development than thirty-five feet (35').

- C. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of a public street internal to the development than twenty feet (20'). Setbacks for private streets or interparcel travelways shall be as described on the Concept Plan.

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### PLANNED COMMERCE DISTRICT (cont'd)

D. If a lot, tract, or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets.

#### **§25-445. Buffer yards.**

A. A buffer yard shall be provided adjacent to any property line of the Planned Commerce District not entirely zoned business, industrial, or planned commerce and landscaped in one (1) of two (2) ways.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque, vinyl privacy fence, wall, berm, or combination thereof.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer.

B. The applicant is free to choose from Alternatives 1 or 2 but the buffer yard plans must be identified as part of the Concept Plan. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map. In addition, no buffer shall be required if the property zoned Planned Commerce Park has an existing building on it and there is no additional development planned closer to the property line not zoned business or industrial. All other provisions of §25-387 shall apply.

#### **25-446. Height limitations.**

In Planned Commerce Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed seventy-five feet (75') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any Airport Overlay District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

#### **§25-447. Parking.**

Parking shall meet the requirements of article III. Off-Street Parking. However, in cases where development for multiple uses occurs on the same or contiguous lots resulting in at least 50,000 square feet of floor space and there is a shared or common parking lot established as evidenced by written contract or by a lease or easement filed with the site plan and recorded in the office of the Clerk of the Circuit Court of Augusta County, the following standards may apply if it results in less parking being required: 3.8 spaces for every 1000 square feet for developments with less than 400,000 square feet and 3.5 spaces for every 1000 square feet for developments with at least 400,000 square feet. In cases where a mix of business and industrial uses is allowed in the same building, the following parking standards may apply: 4.0 spaces for every 1000 square feet up to 50,000 square feet and 3 spaces for every 1000 square feet over 50,000 square feet. However, at the time of site plan approval, a building can be designated for a single use or uses and parking established based on that use or uses. Thereafter, no mixing of uses will be allowed in the building until another site plan is approved and the required amount of parking is provided. In addition, upper-story residential shall be required to provide 1.5 spaces per dwelling unit.

#### **§25-448. Concept plan contents.**

A. If an application is for an existing building and there is a site plan on file with the Community Development Office, any additional information may be added to the site plan.

B. A Concept plan shall be signed and sealed by a Professional Engineer, Registered Architect, Certified Landscape Architect, or Land Surveyor. The following information shall be required to be included in the Concept Plan:

1. A topographic map at a minimum scale of 1" = ~~200~~400' with a contour interval of ~~five~~ten feet (510') or less.

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### PLANNED COMMERCE DISTRICT (cont'd)

2. The general layout of the property with various areas identified, along with the acreage and the permitted uses allowed in each area. In addition, the specific development regulations including any lot area, lot width, and yard and setback requirements shall be identified as part of the Plan. If a buffer yard is required, the plans for the buffer yard must be shown.

3. A proposed circulation plan showing the existing road network and the approximate location and designation of proposed public and private streets and any pedestrian and bike accommodations, as well as the connectivity between areas and adjacent properties.

4. A copy of the Traffic Impact Analysis prepared and found to be in compliance with the requirements of Chapter 527 (24VAC30-155) by VDOT, if applicable.

#### **§25-449. Amendment procedures.**

The owner or his successors, or his representative, of an approved Planned Commerce District may apply for an amendment of the Concept Plan in concept or in minor details:

A. In case of a change of concept, the applicant shall have review by the planning commission and board of supervisors and shall follow the same procedures as the rezoning. Changes in the overall design layout, moving area boundary lines by fifty feet (50') or more, additions to the allowable uses in an area, changes in the development guidelines which could result in increases in density or intensity of the uses, and any other change without the consent of all the property owners in the district shall be considered to be changes of concept. Changes in concept shall be permitted upon approval by the board of supervisors.

B. In case of a change of minor details or decrease in density, the Director of the Community Development Department may approve these changes, upon being presented with a written request along with necessary graphic and statistical information and written approval of all property owners within the district. Changes of location and design of streets, method of management of common areas, deletion of uses in an area, and moving area boundary lines by less than fifty feet (50') shall be considered to be changes of minor detail.

#### **§25-450. Site plan and plats required.**

A. A site plan meeting the requirements of division J article LXVII "Site plan review" shall be submitted and approved prior to the approval of any building, placement or other development permit.

B. After approval of the rezoning and concept plan and if lots are to be created in the Planned Commerce District, no building or structure shall be erected or building permit issued nor any lots sold from any such plat nor any final plat recorded until a preliminary plat has been approved in accordance with Chapter 21 of this Code. The preliminary plat shall be in general conformance with the concept plan approved as part of the rezoning.

#### **§25-451. Common elements.**

Where common elements are part of a development in a Planned Commerce District, they should be established and evidenced by documents duly recorded prior to the sale or lease of any lot, structure or use in the development. Such documents should also specify the provisions for participation in and construction, maintenance and upkeep of all such common elements. For purposes of this section, common elements should include all facilities such as signs, landscaping, roads, parking lots, stormwater management facilities, open areas and other uses of property in which individual lots, structures, uses, owners, or tenants have a beneficial interest in common with others.

#### **§25-452. Other requirements.**

Where specific regulations are not addressed in this District or on the concept plan, the regulations of Chapter 25, Zoning, shall govern. In cases where there are conflicting development regulations, the regulations for the district most closely associated with the use in question shall govern.

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PLANNED COMMERCE DISTRICT (cont'd)

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

Nays: None

Motion carried.

\* \* \* \* \*

LICENSE TAX FOR WINERIES - ORDINANCE

The Board considered an Ordinance amending Section 12-81 of the Augusta County Code to adjust the license tax for wineries to integrate changes required by the Code of Virginia.

Patrick J. Morgan, County Attorney, advised that this had been discussed at Monday's Staff Briefing. He noted that the State Code has reduced the maximum amount of fee that the County can charge for a winery or farm winery from \$1,000 to \$50 per annum. This amendment brings the County ordinance in compliance with the State Code.

The Chairman declared the public hearing open.

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

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

ORDINANCE OF THE BOARD OF SUPERVISORS  
OF AUGUSTA COUNTY, VIRIGNIA

WHEREAS, The Augusta County Board of Supervisors has found it desirable to amend Section 12-81 of the Augusta County Code to integrate changes required by the Code of Virginia;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRIGNIA:

That Section 12-81 of the Augusta County Code is amended to read as follows:

**§ 12-81. Local license required.**

In addition to applicable state licenses, the county shall issue licenses, and charge and collect license taxes therefore, to persons licensed by the Virginia Alcoholic Beverage Control Board to manufacture, bottle or sell alcoholic beverages within the county. The license taxes shall be charged and collected with respect to each such state licensee as follows:

- A. For each distiller's license, \$1,000 per annum; except that no license shall be required for any person who shall manufacture not more than 5,000 gallons of alcohol or spirits or both during such license year.
- B. For each winery **or farm winery** license, ~~\$1,000~~ **\$50** per annum.
- C. For each brewery license, \$1,000 per annum.
- D. For each bottler's license, \$500 per annum.
- E. For each retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each specialty shop and convenience grocery store license, \$37.50 per annum.
- F. For each retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license, \$20 per annum. (Augusta County Code 1993, § 12-61)

This ordinance shall take effect immediately.

August 25, 2010, at 7:00 p.m.

LICENSE TAX FOR WINERIES – ORDINANCE (cont'd)

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

Nays: None

Motion carried.

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NEW VOLUNTEER FIRE DEPARTMENT - ORDINANCE

The Board considered an Ordinance amending Section 2-13 of the Augusta County Code to add a new volunteer fire department.

Mr. Morgan reported that this is a proposed amendment to Section 2-13 of the Augusta County Code which deals with the Emergency Services Department adding the Riverheads Volunteer Fire Department to the list that the County recognizes as an integral part of the official safety program qualifying them under the Virginia Line of Duty Act.

The Chairman declared the public hearing open.

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

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

ORDINANCE OF THE BOARD OF SUPERVISORS  
OF AUGUSTA COUNTY, VIRIGNIA

WHEREAS, The Augusta County Board of Supervisors has found it desirable to amend Section 2-13 of the Augusta County Code to add a new volunteer fire department;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRIGNIA:

That Section 2-13 of the Augusta County Code is amended to read as follows:

**§ 2-13. Emergency Services Department.**

A. The administration of county policies and ordinances with respect to fire and rescue services and the operation of the Emergency Operation Center and the Emergency Communications Center shall be the responsibility of the Emergency Services Department.

B. The department shall consist of the Chief of Fire and Rescue, Emergency Communications Center, the Director of the Emergency Communications Center, Emergency Services Coordinator, and such additional employees as may be necessary to administer fire and rescue services and to operate the Emergency Operation Center.

C. The county has recognized the following fire companies or departments or rescue squads as an integral part of the official safety program of the county for the purpose of qualifying them under the Virginia Line of Duty Act:

- i. Augusta County Fire Department Volunteers, Inc.
- ii. Craigsville Volunteer Fire Department, Incorporated.
- iii. Churchville Volunteer Fire Department and First Aid Crew, Incorporated.
- iv. Deerfield Valley Volunteer Fire Department, Inc.

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NEW VOLUNTEER FIRE DEPARTMENT – ORDINANCE (cont'd)

- v. Dooms Volunteer Fire Company, Incorporated.
- vi. Middlebrook Volunteer Fire Department, Incorporated.
- vii. Stuarts Draft Volunteer Fire Company, Incorporated.
- viii. Verona Volunteer Fire Company, Incorporated.
- ix. Weyers Cave Volunteer Fire Department, Incorporated.
- x. Bridgewater Volunteer Fire Company, Incorporated.
- xi. Raphine Volunteer Fire Company, Inc.
- xii. Grottoes Volunteer Fire Department, Incorporated.
- xiii. The Staunton-Augusta County First Aid and Rescue Squad, Inc.
- xiv. Waynesboro First Aid Crew, Incorporated.
- xv. Goshen First Aid Crew.
- xvi. Grottoes Rescue Squad, Inc.
- xvii. Fairfield Volunteer Rescue Squad, Inc.
- xviii. Stuarts Draft Rescue Squad, Inc.
- xix. Craigsville and Augusta Springs First Aid Crew, Inc.
- xx. Bridgewater Volunteer Rescue Squad, Inc.
- xxi. Preston L. Yancey Volunteer Fire Company Inc.
- xxii. Swoope Volunteer Fire Company.
- xxiii. Wilson Volunteer Fire Company.
- xxiv. Mt. Solon Volunteer Fire Co. & Rescue Squad, Inc.
- xxv. New Hope Volunteer Fire Department, Inc.
- xxvi. Riverheads Volunteer Fire Department, Inc.**

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 THE PUBLIC

Bruce Elder, Staunton Council Member, requested that the Board adopt a resolution in an effort to eliminate predatory lending. Mr. Beyeler mentioned that VACo has endorsed the resolution.

PRESTON YANCEY FIRE DEPARTMENT

Bill Darrach, of the Fishersville area, expressed concern of the Preston Yancey Fire Department and the ISO proposal and stated, "The days of volunteers are numbered." He stated that would-be volunteers now must devote more time to their jobs and suggested that the Board look at the total county fire picture before spending any more

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MATTERS TO BE PRESENTED BY THE PUBLIC (cont'd)  
PRESTON YANCEY FIRE DEPARTMENT (cont'd)

money. He also noted inadequate water pressure.

Mr. Beyeler noted that Preston Yancey Fire Department has five paid people and that Augusta contributed \$400,000 last year to the Fire Department. He agreed that there is a problem and needs to be addressed.

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VALLEY COMMUNITY SERVICES BOARD – PERFORMANCE CONTRACT

The Board considered FY2010-11 State Performance Contract as proposed.

Kathy Belcher, Interim Executive Director for Valley Community Services Board (VCSB), provided a PowerPoint presentation to the Board regarding the local VCSB's Performance Contract.

Mr. Coffield welcomed Melissa Meyerhoeffer, newest member to the VCSB, and Stella Sabados.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve the contract.

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

Nays: None

Motion carried.

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SCHOLASTIC WAY TRANSPORTATION ENHANCEMENT PROJECT

The Board considered preliminary engineering scope of services and fee proposal.

Patrick J. Coffield, County Administrator, advised that the Board received a briefing at Monday's Staff Briefing.

Mr. Shifflett added that this project has been ongoing for approximately six years. At the last grant request with the Commonwealth Transportation Board, it was indicated that something needed to get started before another request was made.

Mr. Shifflett moved, seconded by Mr. Coleman, that the Board approve the scope of services and award the engineering contract to McCormick Taylor in an amount not to exceed \$168,010 for the Scholastic Way Sidewalk project.

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

Nays: None

Motion carried.

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DEERFIELD PARK

The Board considered scope of work and cost estimates for improvements to the Deerfield Community Center grounds in an amount not to exceed \$93,680.

Funding Sources:	Pastures Infrastructure Account #80000-8014-63	\$68,680
	Pastures Recreation Account #80000-8024-22	<u>\$25,000</u>
		\$93,680

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DEERFIELD PARK (cont'd)

Mr. Coffield advised that a presentation was given at Monday's Staff Briefing by the Director of Parks and Recreation. The community has been active in its use of the building for community-sponsored activities and meetings for quite a while. This request is for the grounds component only. The Call center will be discussed at a later date.

Mr. Pyles mentioned that there were two parcels at this location; one is the remains from the elementary school, and the other is known as the "Government Lot", where the Forest Service operated. Both properties were given to the community. Some of the structures on the "Government Lot" area are dangerous. These improvements are for safety, recreation and economic growth opportunities.

Mr. Pyles moved, seconded by Mr. Howdyshell, that the Board approve the request.

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

Nays: None

Motion carried.

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FIRE AND RESCUE SAFER GRANT

The Board considered resubmission of grant for additional positions through the Department of Homeland Security.

Carson Holloway, Fire Chief, provided a PowerPoint presentation. Requirements for the grant are as follows:

1. Applications go to a Peer Review Panel. A group of peers reads, scores project narrative and recommends the applications most consistent with the priorities for funding.
2. The applications, with the highest scores, receive further technical review by the Program Office to determine the reasonableness of the application.
3. Awards are made based on Peer Review and Program Office Review recommendations.

Fire Chief Holloway reported that the goal of the grant is to assist local fire departments with staffing and deployment capabilities so they can respond to emergencies whenever they occur. The application period for SAFER Grants is August 17<sup>th</sup> to September 17<sup>th</sup>, 2010. In 2010, Congress appropriated \$420 million to carry out the activities of the SAFER Grants. No less than 15% will be used for the hiring of new firefighters. No less than 10% will be used for recruitment and retention of volunteer firefighters; 10% is set aside for volunteer or mostly-volunteer departments for different projects and equipment. The goal of the SAFER Grant is to enhance local fire departments' abilities to comply with staffing, response, and operational standards established by the National Fire Protection Association and the Occupational Safety and Health Administration (OSHA), which mandates the 2-out and 2-in law; the deployment and assembly sections of NFPA 1710 and/or NFPA 1720; the respiratory protection section of OSHA 1910-134. Fire Chief Holloway added that the SAFER Grant will improve the safety of the public and firefighters by helping fire departments increase their number of frontline firefighters through two activities: 1) hiring, which includes rehiring of laid-off firefighters, retaining firefighters facing layoff, and hiring new firefighters; 2) recruitment and retention of volunteer firefighters. The purpose of hiring is to increase the number of frontline firefighters and reduce the department's response time. Fire Chief Holloway noted that newly hired firefighters must be hired after the award date to be funded by a SAFER Grant. Jurisdictions are required to commit to



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FIRE AND RESCUE SAFER GRANT (cont'd)

retaining firefighters for one full year after the two-year period of performance. After the third year, the County would need to explore other funding options. A recruitment period of 90 days begins when the application is approved. The two-year period of performance begins after the 90-day recruitment period, regardless of whether the grantee has hired the requested firefighters. To maximize funding, the SAFER firefighters should start work the first day of the period of performance. The highest consideration for funding is given to rehire laid-off firefighters. The second priority will be the retention of firefighters who may face layoffs in the future. The third priority will be the filling of positions that were vacated through attrition but not filled due to economic circumstances. A firefighting position lost to attrition and not subsequently filled as a result of the economy is considered the equivalent of a laid-off firefighter and eligible under a rehire request. The fourth priority will be the hiring of new firefighters. Hiring, rehiring, and retention grantees cannot layoff any firefighters during the two-year period of performance. If grantees lose firefighters during the two-year performance period due to either termination or normal attrition, they must fill the vacated positions or lose funding for the grant positions. The corresponding funding will be reduced by the number of vacant positions until the vacancies are filled. Failure to adjust payment requests to reflect vacancies would result in default of the grant agreement. Having the largest percentage increase in compliance with National Standards receives higher consideration for funding. Applicants will train their SAFER-funded firefighters to have EMS certification to the level established by the Authority Having Jurisdiction (AHJ) within 24 months. Changes in scope, for both hiring and recruitment and retention applications, are not allowed. Homeland Security may adjust the request if the number of positions is excessive given the program restrictions. Applicants may NOT reduce the number of positions requested in their application or change or modify the grant's period of performance. Failure to adjust payment requests to reflect vacancies would result in default of the grant agreement. Eligible costs apply to salary and associated benefits for the new or rehired firefighters. Ineligible costs include pre-award or pre-application costs, such as grant writer fees; administrative costs and indirect costs; training costs; equipment costs, such as personal protective equipment; and costs for uniforms and physicals.

Fire Chief Holloway asked for letters of support from legislators and others and presented the following proposal:

- Hire 3 additional firefighters to increase Company 10 staffing to 4 per shift. This will help meet ISO, NFPA and OSHA standards.
- Re-hire the Deputy Chief position that was vacated by attrition. This position will support operations for all agencies within Augusta County in addition to response duties. Provide for NIMS compliance.
- 4 total positions
- Other options could be considered that meet Grant Guidelines

Ms. Sorrells asked when the County would be notified of approval. Fire Chief Holloway said it could be as late as next September.

Mr. Coleman asked if there were any other options. Mr. Coffield advised that this option was brought forward from the Committee. Mr. Coleman asked if additional positions could be considered for Preston Yancey and made the following statement:

I'm a strong supporter of the volunteer system. Having said that, I noticed on the presentation, staffing for adequate fire emergency response. This is what this is. It's inadequate with the five people that are actually assigned there. Because as we know, there is an average of three there on any given day. I personally think, and I think this Board is going to be remiss if we don't seriously consider this opportunity to give, not

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### FIRE AND RESCUE SAFER GRANT (cont'd)

only this Board, but to give the community, a chance to continually weigh in with us on this. One of the things I mentioned on Monday was not an idea of Wendell Coleman; this idea came from the community, of a fire tax. We don't know what the cost is; we don't know how much of a tax that might be on the constituents who live in the Wayne District or in Preston Yancey's First Due area. But I can tell you one thing, what I have heard, and I continually hear, and we heard this, again, at our Staff Briefing Monday, that the premiums have gone up 100-150%. I do not have any confidence that it's going to get any better. I respect what you're saying. I recognize the need in terms of trying to get us back in terms of Company 10, but, from my point of view, there are priorities and there are priorities. We have got a serious problem in this County at Preston Yancey, which is an urban center. We heard one company, Monday; tell us that they can't write any new commercial policies. The word has come down . . . and I got a phone call today and I didn't respond to it because I wasn't sure what I was going to tell this agent that the representative for the State of Virginia wants to know if we have any timeline in terms of when we can step up and do something in the spirit of emphasis on public safety. It's not just the issues there, it's response time, it's no responses; it's a boat load of things. I know I'm preaching to the choir, Chief Holloway, because I know you know this and you and I have talked about it on a number of occasions. I hope I can appeal to my fellow Board members to seriously consider the issue we have in Fishersville and here is an opportunity if we choose to do to give us some time to apply. In the meantime, there are some things that, certainly, I would be willing to discuss with people that might help us in the shortfall. Those short-term things are not long-term fixes that are going to take care of the problem that we are experiencing there.

Mr. Howdysshell made the following comment:

We know we have a problem there. Regarding the SAFER Grant, that was the same we applied for the last time. I'm a firm believer to just keep throwing money at something doesn't always fix the problem. The ISO rating at Preston Yancey went down. There is a various number of reasons. What we understood last night from Chief Garber of Staunton, ISO is going through a different format that they are going to be coming to Augusta County in 2011 to do a full audit of all our companies. In the meantime, ISO people are going to come here and help us facilitate, or train, our people better. A lot of it comes back to paperwork. A lot of it comes with mutual aid; you know, they don't recognize that. Are there other things that we can do to help solve the problem? Just throwing money at things, you know . . . the SAFER Grant sounds good. Two years; then the third year, you pay . . . You know what economic times we're in with the County right now--\$50,000 a head . . . I think there has to be a better plan and we have to think this thing through thoroughly. I believe we should go for the same number we did the last time because once you hire these people, you're locked. There has to be other solutions out there that, maybe working with ISOs and mutual aid agreement, will help.

Bob Rogers, resident of Fishersville and retired training officer for the Charlottesville Fire Department, stated that would-be volunteers now must devote more time to their jobs and suggested that the Board look at the total county fire picture before spending any more money. He offered unpaid assistance if needed. Mr. Rogers also asked why Augusta County Fire Department did not do Fire Inspections.

Mr. Coffield advised that people have been trained to assist industries and businesses with inspections; however, the County feels that the State Fire Marshals have the mandated responsibility.

Mr. Pyles made the following statement:

I feel like I'm in another world. All the things that I brought up against Riverheads are now being talked about. You know that our volunteers are not our future. That's exactly what I said. I said, "We have to prepare for the day when we have career supported by volunteers, not volunteers supported by career." Mr. Howdysshell said we need a better plan. We had a plan. We paid for a plan. And the plan was to move the professional fire department out of Staunton where it could do more good for our citizens. We heard the man talk the other day saying the primary response area for ISO is within five miles.

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### FIRE AND RESCUE SAFER GRANT (cont'd)

Well, look at Staunton. Look at Company 10. And look at all the area within five miles that doesn't serve Augusta County. It serves Staunton; loves Staunton, Mr. Elder. But we've got in our main residential area, we have a 10 rating and then we're paying for top-notch protection for Staunton. This is the cobbler's kids going barefoot. We are paying a premium for Staunton and we're letting our folks in Fishersville do without. It costs us money to do that. We had set aside money for years to move a professional station outside and you've squandered it to get Riverheads. Well, the person said I didn't compromise. The compromise was to put it within five miles of Staunton. If they had put it at Whitehill Road, it serves Riverheads in the five miles; it serves Greenville in the five miles; it serves southern Augusta County in the five miles. Then we get full value for that five miles. Okay; we've lost that. We don't have it over there. One of the recommendations that's come up is it needs to be tossed out right now is that we have SARS in these agencies. What we heard the gentleman say the other day was that when you have a concentration of professionals together to run calls, you're better off. If we have paid people . . . If we take our revenue recovery and pay for staff that works for Augusta County to both respond to rescue and fire, we have a better deal. What I said earlier, what is true now, is we need a concentration of resources. We don't need to spread them out. What we know is we don't lack for buildings or equipment. We lack for people to run calls. Ms. Sorrells says we need to get more volunteers or paid people. Yes, that's always been the case. That's what we need. But, instead, we're doing things to run off volunteers. I was in line at DMV; two people came from an agency in Mr. Garber's area and said, "I used to have a lot of respect for the Board, but not anymore." So we did all this work to build our company and now you've just given one away down there. So we're investing in volunteers, which this Board agrees is not the future instead of investing in professional folks. You look at the money that we're going to pay for operating costs and utility costs at Riverheads; how many people could we fund over there at Preston Yancey with that? How many could we fund with revenue recovery? How many could we fund with the money that we've spent for that building? This is what happens with government. They talk about priorities. Mr. Howdyshell talked about priorities. Yes, Fire and Rescue are priorities. When were we talking about priorities before when we were spending an extra million dollars on a library? When were talking about these priorities when we were giving that money away? We have to be smarter. We have to look at the resources we have and better apply it. So now we're going to tell the people in Fishersville you're going to have a special tax there or you can pay higher insurance. That's not the choice it should be. We can do better there. We could have used our resources better there and have something to show for it. This system . . . how did we get here? Chief Holloway let us down. Somebody is in charge of this. Somebody needs to look at these things and tell us. Or was this being sat on until we got Riverheads done? And then they said, 'Okay, now that Riverheads is done, now the footers are in the ground, now we're going to tell about these other problems.' We haven't been responsible. We haven't been smart. So we've got our volunteers, now, we've got a new document we're to tell them we're going to put a gun to their heads so you sign this document or else you don't get any money. If you do sign it, we can put you out of business and take everything you have. We don't appreciate what they've done. When you talk about the \$400,000 for Preston Yancey; yeah, that's career people. That's everything. It's still a better bargain than what we're paying for Staunton for Company 10. Run your calls there and you'll see that it's still a better value of the number of people we've got. So we can put some more people there and do it. But as long as we don't look at anything . . . Mr. Garber, when he is looking at putting money into Company 10, didn't look at anything. He didn't look at the cover area. He didn't look at the costs for the call, the value. We just operate out of what we think. We need to do study and understand what we're doing. We learned a lot the other day when the man came here. We should have know all of that and made our decisions then. But we can't do this. The idea that we're just going to throw money at it is wrong. We need to use our money better. We've been wrong, now. I hope that three of you will quit following Mr. Beyeler and start looking to somebody else who knows what they're talking about.

Mr. Howdyshell made the following comment:

Mr. Pyles, you made reference that I made a comment to the plan. The plan I was talking about is how are we are going to solve Preston Yancey and how are we going to deal with what ISO regs are and how are we going to address that in a timely fashion? Bring our companies up to speed. A lot of it is paperwork. Chief Holloway, last night, passed out a lot of forms that our Captains need to be filling out to document things.

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FIRE AND RESCUE SAFER GRANT (cont'd)

It's weighed pretty heavily. And we talked about, you know, Staunton has mutual aid. Yeah, we're a county, but we're sitting right next to Waynesboro, too, and we have to have mutual aid. We have first due, second due and all that stuff. That's the plan I was talking about.

Mr. Beyeler made the following statement:

Volunteers can be professionals and most of them are. I have never enjoyed criticizing volunteers. When you create a fire station, and volunteers tell you that they are going to man it, they're going to run the calls, that's what I expect. But when you have a fire station that fails to run a number of calls . . . I don't know if they have 20 and I'm going to find out . . . I don't know if they have 20, 30, 40 members down there, whatever number it is, I don't want to hear that somebody out of that number cannot run a fire call at night. Now, hey, one reason we put them down there in the daytime is because a lot of people work and that's why they're down there. Now, if they are not going to run the calls, then we have to do something. That's a no-brainer. But if, as long as they are volunteers, you know you run a risk how much do you tell volunteers to do. I expect certain standards of volunteers just like I do paid people. We've got to go down there and we need to be asking them are they going to run the calls. If they're not going to run the calls, then we have to do something else. Now, Company 10 is right where the majority of this Board thinks it needs to be; although, Mr. Pyles disagrees. That's okay. He is entitled to his opinion. We have a mutual agreement with Staunton that is working. We run some on the eastern part of Staunton; they run some on the western part of Staunton in Augusta County. That's a good agreement. Mr. Elder, you're here and I thank you and your Council and Fire Chief for working this out. That's a good agreement regardless of what some people may think. Now, let me go back to volunteers. Volunteers . . . most of our paid people were volunteers and most of them have most of their training, if not all, in some cases, all their training when we hire them as permanent employees. So we have a problem here. We will address it and it's gotten a little more out of hand than I like to see, but it is something that is serious and we need to address it.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve the recommendation and apply for four positions.

Ms. Sorrells made the following comment:

Mr. Pyles, how dare you say that we don't lack for buildings and equipment. Maybe in the Pasture District where you have seven Fire and Rescue companies, you don't lack for buildings and equipment. But in the Riverheads District, where we have one fire station, not centrally located, we lack. The people's lives and properties are on the line every day because of a huge lack and not because we don't have good career people and volunteer people from other agencies that are responding. Distances are great when every minute means someone's life could be saved or not saved and the hole that we're trying to fill here, and doing a wonderful job, moving forward on it only able to do it because volunteers stepped up and saved us \$800,000 a year. We had enough to do a building. We didn't have enough for \$800,000 every year to put Fire and Rescue people there year after year, after year. We looked at it. We did study it. We considered all the consequences keeping Company 10 where we are now. If we had moved Company 10 to Mint Springs, all we were doing was putting a band aid on our issues. We were moving Company 10 away from Preston Yancey from Fishersville where we could respond. We were putting Staunton, our mutual aid jurisdiction, at risk to have no coverage in the City of Staunton. Staunton is now on the western end. Perhaps they don't run as many calls into the County, but when you run to Deerfield, I think, or you run to the WalMart Apartments, there is a big difference. So you could run 10 times from the County station to the WalMart Apartments or one time to Deerfield and we're getting equal services mutual aid there. We made a decision that Company 10 to best serve the County—all parts of the County—need to stay where it was. To move it, would have cost us millions of dollars and have done nothing but put a band aid on the issue. As far as the SAFER Grant, to me the SAFER Grant is something we have to apply for; we have to look ahead and try to increase our resources. Since it's a year from now before we even find out, it doesn't deal with this emergency situation that we have now. We have to think about how we need to do this, whether it's increasing . . . I think it needs to be many parts. We need to increase, perhaps, consider a tax increase. We have to look at how we're handling our first responder lines, our mutual aid agreements.

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FIRE AND RESCUE SAFER GRANT (cont'd)

We've heard this twice, now. We heard Monday from two insurance representatives. And we've heard it two years ago when we were talking about revenue recovery with the group that services SARS and Waynesboro where they said there is a way to access some funds through revenue recovery for fire response, too. I think that's not going to solve our problems, but every bit that we can put in this and try to make this situation improve helps. And I think we ought to explore that possibility down the road. I think we have an emergency situation here, now, that we need to deal with. The SAFER Grant is not going to help us with that. That's going to help us as we look our long-range plan and think about this iceberg that is lurking there and how we're going to look at this very large county and provide for our citizens.

Mr. Coleman made the following comment:

I'm personally, at the moment, having a little bit of struggle—not with the notion of applying for the positions, but I feel like when we did this before, and we were just informed that we were turned down, and we're going to go for the next round, there was a position in there for Preston Yancey to increase the career people. Now, all of a sudden, this grant is coming in with three positions going back to Company 10 and, I'm not suggesting for a moment that we don't need a Deputy Chief. Given some of the things that, you know, the responsibilities that are certainly placed on our Chief and I'm even hearing, you know, tonight, some discussions about even greater responsibilities in terms of ISO compliance and all of that sort of thing. But for me to sit here and say what I just said and to know the community that I'm going back to tonight and announce that I just sat on the Board and voted to apply for four new positions and three of them are going to go to Company 10 and one is going to be another administrative position. Obviously, I knew we were going to apply for the grant. I knew it was on our agenda tonight. Until the slide went up there tonight, it was the first time that I actually had any time to think about the nature of the positions. I respect it is coming out of our committee. I respect the work that Mr. Beyeler and Mr. Howdyshell have done and continue to do. That's not my issue. It's trying to figure out, not only short-term, but over the long haul, what we really need to do in terms of our issue of Preston Yancey. It's not going to go away. It's just going to get worse.

Chairman Garber clarified the motion. Four positions, as presented by the Committee, are to be considered.

John C. McGehee, Assistant County Administrator, asked for explanation. Fire Chief Holloway said that staff has been reduced over the years and has not re-filled several positions. The Deputy Chief's position was put on hold. A Captain was put on hold and a training position was put on hold. Staff has been running on comp time; two Captains are rotating on the field, now, doing what a Deputy Chief and three Captains were doing. Mr. McGehee stated that when you look at the grant criteria, the best change of getting funding for the positions is with vacant or positions not filled through attrition because of the economic situation in the County. "We had three Captains at Company 10. Now, our Captains are not at Company 10. They are out in the field. There are two of them, rather than three. If we're going to try to get the grant funded, we have to look at the criteria involved on how the selection process works. That was the reason we felt that was the best scenario for us to get funded."

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

Motion carried.

\* \* \* \* \*

August 25, 2010, at 7:00 p.m.

BRIDGE NAMING – SIGNAGE

The Board considered funding for design construction and installation of VDOT approved signage.

Funding Source: South River Infrastructure Account #80000-8016-54 \$1,000  
(2 signs at \$500 each)

Mr. Coffield advised the State requires a local entity to pay for signage and Mr. Beyeler has indicated the funding would come from his infrastructure.

Mr. Beyeler moved, seconded by Mr. Howdysshell, that the Board approve the request.

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

Nays: None

Motion carried.

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USDA/NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

The Board considered letter of support for leveraging the remaining funds from Virginia's \$20 million bond referendum with federal assistance through the USDA/NRCS.

Mr. Coffield advised that the Board received a briefing at Monday's Staff Briefing.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve letter of support.

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

Nays: None

Motion carried.

\* \* \* \* \*

AUGUSTA COUNTY SCHOOLS

The Board considered request of School Board to allocate FY09-10 fund balance to Schools Capital Account #80000-8134 for emergency (operating) and/or capital projects.

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

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

Nays: None

Motion carried.

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WAIVERS - NONE

\* \* \* \* \*

CONSENT AGENDA

Mr. Howdysshell moved, seconded by Mr. Shifflett, that the Board approve the consent agenda as follows:

August 25, 2010, at 7:00 p.m.

CONSENT AGENDA (cont'd)

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, July 28, 2010
- Regular Meeting, Wednesday, August 11, 2010

PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION

Adopted the following resolution establishing the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act:

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act).

WHEREAS, by its enactment of an ordinance on December 14, 2005 ("Ordinance"), the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") has previously implemented such modifications of the PPTRA.

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2010 for purposes of the Ordinance.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be fifty three (53%).

2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in § 3(b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in § 4, pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.

3. This Resolution shall take effect immediately upon its adoption.

WEYERS CAVE RECREATION ASSOCIATION GRANT

Considered request to amend Weyers Cave Recreation Association Grant and Grant Agreement.

RIVERHEADS FIRE AND RESCUE STATION

Considered Bank assignment necessary for PPEA construction loan.

Vote was as follows: Yeas: Garber, Shifflett, Pyles, Coleman, Beyeler, Howdysshell, and Sorrells  
Nays: None

Motion carried.

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**(END OF CONSENT AGENDA)**

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles:

1. Requested Monthly Fire Department Incidence Report to be completed for Augusta County Company 10.

August 25, 2010, at 7:00 p.m.

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

- 2. Noted a call from a citizen concerning making reservations for camping at Natural Chimneys. The citizen had asked if they could make reservations through the County's Parks and Recreation Department when staff was not available at the park. Mr. Coffield stated he would confirm.

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RECYCLING COMMITTEE – REAPPOINTMENT

Mr. Howdyshell moved, seconded by Mr. Shifflett, that the Board reappoint Larry W. Dudley to serve another four-year term on the Augusta County Recycling Committee, effective September 25, 2010, to expire September 24, 2014.

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 THE BOARD (cont'd)

Mr. Howdyshell: Apologized for becoming emotional while reading the resolution concerning Private First Class William Wayne Henderson. He stated even though it has been forty-years since the Vietnam War, there are many memories he would like to forget. He honored those soldiers who did not return.

Mr. Shifflett: Noted at the SPCA's Board meeting last night, it was announced the spay/neuter clinic is within thirty to sixty days of completion. Also stated the groundwork is being laid for a fundraising campaign at which time the SPCA board will be asking surrounding localities to contribute. Concerning contract negotiations, Mr. Shifflett further explained the SPCA has suggested forming a committee consisting of three representatives from the SPCA as well as members from the County and the Cities of Staunton and Waynesboro. Mr. Shifflett asked for recommendations from the Board. Mr. Beyeler asked that the Board discuss representation concerning contract negotiations at their next worksession.

Ms. Sorrells: Stated she had the privilege of attending the Waynesboro City Council Meeting on Monday. Delegate Landes was in attendance to present a resolution honoring the Cities of Waynesboro and Staunton and the County of Augusta for their successful partnership with Augusta Health in sponsoring the Unwanted Medication Collection Day. She noted how successful the localities worked together.

Mr. Beyeler: With regard to the number of fire calls ran by Company 10 in the City of Staunton, Mr. Beyeler stated the number of calls is reflected in the Monthly Fire Department Incidence Report.

Mr. Coleman: Informed the Board Thursday and Friday of this week, auditors with the Community Action Block Grant Program will be in Augusta County meeting with representatives for CAPSAW.



August 25, 2010, at 7:00 p.m.

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

Concerning the ISO Report for Preston L. Yancey Fire Department. Mr. Coleman asked the Board to form a Corrective Action Plan to address the concerns. Mr. Coleman briefed the Board on corrective actions concerning the report. He discussed several concerns on the report including training and personnel. Mr. Coleman discussed several action plans that are already being implemented including receiving an updated agreement that was presented to the Board on Monday between the County and the volunteer agencies as part of the coordinated plan. Mr. Coleman stated Dennis Burnett is meeting with businesses in Fishersville to apprise them with the situation. Mr. Coleman noted the importance of selecting a resident expert to oversee the ISO regulations. Other suggestions part of the plan include, continuing the current arrangement, increasing the number of career staff, identifying additional costs, considering Preston L. Yancey on becoming a County operated facility, considering Fishersville part of Company 10 first due, or considering if a fire tax is a viable option. Mr. Coleman stated staff needs direction.

Mr. Garber: Concerning the agriculture report, Mr. Garber stated harvest is in full swing.

Mr. Garber relayed a personal anecdote regarding Mr. Elder's report concerning payday lenders issue.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

Mr. Coffield: Stated the Government Center has been the depot for the regional location for conducting the census. He stated recognition and appreciation has been received for our efforts in the study.

Gave the Board a State Press Release and State Briefing paper concerning elections. He also informed the Board of changes concerning primaries and 2011 Redistricting. The Board will be informed as more information becomes available. He discussed the County's growth in each magisterial district and briefed the Board on the process of redistricting.

Introduced a new reporter for News Leader, Calvin Trice.

Submitted revised policy for the use of County vehicles. He asked the Board to consider the language for take home use of such vehicles.

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August 25, 2010, at 7:00 p.m.

CLOSED SESSION

On motion of Mr. Shifflett, seconded by Mr. Howdysshell, the Board went into closed session pursuant to:

CLOSED SESSION (cont'd)

**(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) Route 640 structure in the Wayne District

On motion of Mr. Howdysshell, seconded by Ms. Sorrells, the Board came out of closed Session.

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

Nays: None

Motion carried.

\* \* \* \* \*

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.

Roll Call Vote was as follows:

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

NAY: None

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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ROUTE 640 DEMOLITION

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board authorize the County Attorney to draft an agreement with developer for demolition of structure and swap of right-of-way.

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

Nays: None

Motion carried.

August 25, 2010, at 7:00 p.m.

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**PRESTON YANCEY FIRE STATION**

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

1. Develop a coordinated Corrective Action Plan to address issues related to ISO, i.e., what needs to be done, by who and when. Person responsible: Fire Chief Carson Holloway.
  - o Items to be included:
    - What actions are being taken by Preston Yancey to address identified issues?
    - ISO presentation to the BOS – completed
    - ISO presentation to the Emergency Officers Association - completed
    - Updated Agreement between the County and Volunteers Agencies – David Beyeler and Larry Howdyshell – draft document developed and submitted to BOS for review.
    - Continue meeting with various businesses in the Fishersville area to apprise them of the situation – Dennis Burnett
    - Consider designating a person responsible for ISO to work closely with all the Volunteer agencies.
2. Identify short-term and long-term options to address issues identified:
  - o Continue the current arrangement – Volunteers and Career staff (5)
  - o Increase the number of Career staff (identify additional costs and where the funds will come from)
  - o Consider PLYVFC becoming a County operated facility with volunteers supporting the career staff similar to Company 10.
  - o Consider having Company 10's 1<sup>st</sup> due include as much of Fishersville as possible without a negative impact on Company 10's current coverage area. (had observed Company 10 being toned in the Fishersville area anyway without ISO recognizing it under County Policy and Mutual Aid agreements.
  - o Evaluate adding a Fire Tax in the Fishersville area to cover increased costs as opposed to residents continuing to pay extremely high insurance premiums – Pat Coffield and John McGehee
3. Identify any other proposed strategies – staff, board members, volunteer agencies, etc.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman  
Nays: None

Motion carried.

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**ADJOURNMENT**

There being no other business to come before the Board, Mr. Coleman moved, seconded by Mr. Shifflett, the Board adjourned subject to call of the Chairman.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman  
Nays: None

Motion carried.

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Chairman  
\_\_\_\_\_  
County Administrator