

Regular Meeting, Wednesday, January 12, 2011, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Jeremy L. Shifflett, Chairman
Wendell L. Coleman, Vice Chairman
Gerald W. Garber
Larry C. Howdyshell
David R. Beyeler
Tracy C. Pyles, Jr.
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

ABSENT: Nancy Taylor Sorrells

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 12, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 235th year of the Commonwealth....

* * * * *

Chairman Shifflett welcomed the citizens present.

* * * * *

Mr. Coleman mentioned that Justin and Darrin are his twin grandsons and recognized their mother, Nicole (his daughter). Mr. Coleman stated that he was extremely proud of his grandsons. Justin and Darrin Hutchinson, seventh graders at Stuarts Draft Middle School, led us with the Pledge of Allegiance. Darrin plays baseball and likes to hunt. Justin plays football and baseball; enjoys fishing and going out to the lake with his grandfather.

* * * * *

Chairman Shifflett asked for a moment of silence for the Tucson tragedy victims.

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

* * * * *

Chairman Shifflett thanked Ms. Betty Hawpe for the gift of mittens that was given to the Board and staff.

* * * * *

MECHANIC'S LIEN - ORDINANCE

This being the day and time advertised to consider ordinance to amend Section 19-12 of the Code of the County of Augusta, Virginia, to integrate changes allowed by the Code of Virginia.

Patrick J. Morgan, County Attorney, reported that in the past when there has been a change in the mechanic's lien or name of a mechanic's lien agent on a building permit, the Building Department required the permit fee to be paid in full when application was made; if it changed, rather than having an amendment, the first permit would be revoked and another issued at the full fee. Last year legislature changed the State Code that allowed counties to provide an amendment fee making these type of changes instead of applying for a new permit.

The Chairman declared the public hearing open.

January 12, 2011, at 7:00 p.m.

MECHANIC'S LIEN – ORDINANCE (cont'd)

There being no one present to speak for or against, the Chairman declared the public hearing closed.

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

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

WHEREAS, The Augusta County Board of Supervisors has found it desirable to amend Section 19-12 of the Augusta County Code to integrate changes allowed by the Code of Virginia;

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

That Section 19-12 of the Augusta County Code is amended to read as follows:

§ 19-12. Constructions, additions and remodeling.

The fee for a building permit shall be in accordance with the following schedule:

- A. Residential new construction and additions—15¢ per square foot of heated, finished living space.
- B. Residential accessory structures—15¢ per square foot with a \$25 minimum charge.
- C. Residential swimming pools, hot tubs and spas—\$50 each.
- D. New commercial construction, including additions, but not including stadiums and other uses in Use Group A-5, by square feet in gross floor area, based on an election made by the applicant at the time of application for a building permit of one of the following permits:
 - (1) a permit for each unit of the structure at the rate of 15¢ per square foot of the unit for the first 5,000 square feet, and 10¢ per square foot for each additional square foot of the unit, with a \$100 minimum charge;
 - (2) a permit for the entire structure at the rate of 15¢ per square foot for the first 5,000 square feet of the structure, and 10¢ per square foot for each additional square foot of the structure, with a \$100 minimum charge; or
 - (3) a permit for the building shell at the rate of 8¢ per square foot for the building shell and, after completion of construction of the building shell, a permit for interior build-out within the shell at the rate of 7¢ per square foot (for a total fee of fifteen cents (15¢)), with a \$75 minimum charge.
- E. New commercial construction, including stadiums and other uses in Use Group A-5, and including additions thereto, by square feet in gross floor area (\$100 minimum charge):
 - first 20,000 square feet—2¢ per sq. ft.
 - additional square feet—1¢ per sq. ft.
- F. Commercial swimming pools—\$75.
- G. Elevators, escalators, lifts—\$50 each.
- H. Alterations and repairs:
 - Residential—15¢ per square foot with a \$50 minimum charge.
 - Commercial—15¢ per square foot for the first 5,000 square feet, and 10¢ per square foot for each additional square foot, with a \$50 minimum charge.
- I. Antennae and towers—\$100.

January 12, 2011, at 7:00 p.m.

MECHANIC'S LIEN – ORDINANCE (cont'd)

J. Temporary certificates of occupancy and extensions will be issued for forty-five (45) days upon payment of the following fees:

(1) Residential per dwelling unit \$50 for the initial 45-day period, increasing by \$50 for each subsequent 45-day period, but in no event to exceed \$200 for a 45-day period; and

(2) Nonresidential \$100 for the initial 45-day period, increasing by \$100 for each subsequent 45-day period, but in no event to exceed \$400 for a 45-day period.

K. The fee for an amendment of a building permit to add the name of or amend the name of a mechanic's lien agent shall be \$50.

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

Nays: None

Absent: Sorrells

Motion carried.

* * * * *

COMMITTEES & COMMISSIONS FOR 2011 APPOINTED BY THE BOARD

On motion of Mr. Howdysshell, seconded by Mr. Coleman, the Board made the following appointments:

LOCAL EMERGENCY PLANNING COMMISSION

Reappointed John C. McGehee and Tracy C. Pyles, Jr., to the Local Emergency Planning Commission for a one-year period.

EMPLOYER ADVISORY COMMITTEE (VIRGINIA EMPLOYMENT COMMISSION)

Reappointed Faith Souder to the Employer Advisory Committee for a one-year period.

AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE

Reappointed Earl Reeves, Roger Hammond, Randy Roller, Joseph Zapotoczny, W. Jean Shrewsbury, W. Douglas Riley, Gerald W. Garber, David R. Beyeler, Jeff Slaven and appointed Steve Hewitt to the Agricultural and Forestal District Committee for a one-year period.

EMERGENCY MANAGEMENT DIRECTOR

Appointed Chairman of the Board of Supervisors, Jeremy L. Shifflett, as Emergency Management Director.

EMERGENCY MANAGEMENT CO-DIRECTOR

Reappointed John C. McGehee, Assistant County Administrator, as Emergency Management Co-Director.

EMERGENCY MANAGEMENT COORDINATOR

Reappointed Donna Good, EOC Director, as Emergency Management Coordinator.

ASSISTANT EMERGENCY MANAGEMENT COORDINATOR

Reappointed Anthony Ramsey, EOC Dispatcher Supervisor, as Assistant Emergency Management Coordinator.

January 12, 2011, at 7:00 p.m.

COMMITTEES FOR 2011 - APPOINTED BY THE CHAIRMAN (cont'd)

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

Nays: None

Absent: Sorrells

Motion carried.

* * * * *

WEYERS CAVE RECREATION ASSOCIATION GRANT

The Board considered request to amend Weyers Cave Recreation Association Grant and Grant Agreement.

Funding Source: Middle River Recreation Account #80000-8022-43 \$36,464

Ronald H. Sites, Director of Parks and Recreation, reported that the Board of Supervisors approved in August amending the Grant Agreement to reprioritize the Weyers Cave Recreation Association by moving forward the parking lot versus proceeding with the picnic shelter kitchen addition. The parking lot has been completed and Phase II is ready to begin with the picnic shelter kitchen addition.

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

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

Nays: None

Absent: Sorrells

Motion carried.

* * * * *

URBAN SERVICE OVERLAY – COMMITTEE REPORT

The Board considered recommendation of Committee.

Dennis Burnett, Director of Economic Development, advised that the Board had appointed a committee, comprised of members from the Board of Supervisors, Augusta County Service Authority, Homebuilders Association, Planning Commission, Industrial Development Authority, and staff, to examine the Urban Service Overlay District. The Committee met in October and December, 2010. Findings were distributed to the Committee on December 15th with a 15-day comment period, of which none were received (basically, indicating full support from the Committee). The scope of the meetings were to receive valuable input from the Committee for the implementation of the Urban Service Overlay District, as outlined in Chapter 25 of the Augusta County Code. The Committee was provided with maps of the district pre and post expansion of the Urban Service Area. Highlights of the report given to the Board were:

1. Guidelines for the Mandatory Connections for Major and Minor Subdivisions;
2. Exemption process to be used by the Board of Supervisors for properties required to connect to public services (agricultural or a non-proven water-treated facility).
3. Opt-out Process (areas where water not available). Only granted by Board of Supervisors. Once public services available, connection to that system would be determined.

January 12, 2011, at 7:00 p.m.

URBAN SERVICE OVERLAY – COMMITTEE REPORT (cont'd)

Timmy Fitzgerald, Director of Community Development, added that the Board is being asked tonight to accept the Committee’s report to refer this issue back to the Ordinance Committee for further drafting of new language to the Urban Service Overlay based on the Committee’s recommendations.

Mr. Garber moved, seconded by Mr. Howdysshell, that the Board approve the Committee’s recommendations.

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

Nays: None

Absent: Sorrells

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Edward Carter had asked Vice-Chairman Coleman, before the meeting, to read the following portion of the Fireworks brochure to the public before he spoke:

If you are a business, organization, or individual wishing to deploy fireworks (with the exception of permitted fireworks) at an event, a Fireworks Permit is required. Please contact the County’s Department of Fire and Rescue in order to obtain the permit. Permit requirements:

1. Submit a letter of application noting day, time and location of proposed deployment.
2. Submit a site plan of the proposed display.
3. A minimum personal liability and property damage insurance certificate of \$2,000,000. The County shall be named in addition to the insured on the certificate of insurance.
4. Documentation of the competency of the company providing the fireworks and the person(s) shooting the display.
5. The fireworks display must comply with the National Fire Protection Association (NFPA) #1123 Outside Display of Fireworks and #1124 Manufacture, Transportation and Storage of Fireworks.
6. The deployment site must be approved by the Fire and Rescue Department. A visit should be coordinated with the shooter and conducted prior to approval of the permit application.

Mr. Carter asked for a copy of the letter that was sent to Richmond and Richmond’s response. He felt that the neighborhood should be informed of such a permit being approved. Patrick J. Coffield, County Administrator, said that he would share the information from Richmond. In regards to the notification process, he stated that the purpose is to ensure safety and properly displayed. It is not currently written in the Code that there is public notification within two miles. That information is available upon request.

* * * * *

WAIVERS/VARIANCES - NONE

* * * * *

January 12, 2011, at 7:00 p.m.

CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, December 8, 2010

CLAIMS

Approved claims paid since December 8, 2010.

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

Nays: None

Absent: Sorrells

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Garber:

1. Mr. Coleman’s grandsons – “Much more brief than their grandfather! Maybe, they’ll grow into it.”
2. Airport – two aircrafts worth \$75 million – “Positive things bringing people and taking people out!”

Mr. Beyeler: Mr. Coleman’s grandsons wanting to play at Virginia Tech? Mr. Coleman said one wanted to go to Virginia Tech and one wanted to go to University of Virginia.

* * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Census 2010 – Redistricting survey distributed to Board.
 - a. Mr. Garber asked what a reasonable timeline would be – Mr. Coffield stated the State will go through the General Assembly for their redistricting; upon completion, they have to send it to the Department of Justice for review. While they are in review, the County can start its review; therefore, timeline could possibly be March or April.
 - b. Mr. Pyles felt that the criteria needed to protect incumbents as well as announced candidates. Mr. Coffield read Item No. 6: “In addition to population, do you have other criteria that should be emphasized, i.e., keeping existing officials in their districts, rural/suburban combinations, interstate lines as boundaries, etc.” Mr. Pyles felt that anyone running a campaign should be protected.

January 12, 2011, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

- c. Mr. Beyeler felt that some adjustments were needed in the Wayne and South River, and possibly other districts, based on population. He did not think they could assure anyone what district they would be in, including the incumbent. Mr. Pyles stated that there should be a consistent and objective rationale as to how the decisions were made. Mr. Beyeler added that the review process could go up to August. Mr. Morgan added that there has been a bill introduced in the legislature to delay this until September.
- 2. Preston Yancey Fire Department – Monthly report distributed to Board.
- 3. Ms. Sorrells is absent tonight – attending annual Middlebrook Ruritan Club meeting.
- 4. VDOT News Release – recognized Randy S. Kiser as the new Staunton District Administrator
- 5. Farmers’ Market Report – placed in Board’s mail slots.
- 6. Fire Programs Schedule – placed in Board’s reading file. Will be visiting all agencies. A suggestion was made for a possible work session/dinner meeting with Board members.
- 7. VACo Special Assessment – Burden of proof in “assessment appeals” on the locality - \$3,000
- 8. Berry Farm – Department of Forestry (DOF) – timber thinning needed. DOF will put together the appropriate bid and circulated with interested vendors. This is part of the State’s timber-management program.
- 9. Revenue Recovery – checks will be mailed out this Friday.
- 10. BZA reappointment/appointment by Judge Ludwig for a five-year period to become effective January 1, 2011 and expire December 31, 2015: J. Waller Callison, Jr. and Thomas H. Byerly.

* * * * *

PARKS AND RECREATION COMMISSION – APPOINTMENT

Mr. Howdysshell moved, seconded by Mr. Garber, that the Board accept the resignation of Carl G. Lind, and appoint Drake H. Mandeville, to serve a 4-year term on the Parks and Recreation Commission, effective January 1, 2011, to expire December 31, 2014.

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

Nays: None

Absent: Sorrells

Motion carried.

* * * * *

INDUSTRIAL DEVELOPMENT AUTHORITY – REAPPOINTMENT

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board reappoint Frederick C. McNeil, to serve another 4-year term on the Industrial Development Authority, effective March 26, 2011, to expire March 25, 2015.

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

Nays: None

Absent: Sorrells

Motion carried.

