

Regular Meeting, Wednesday, February 23, 2011, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Jeremy L. Shifflett, Chairman
Wendell L. Coleman, Vice-Chairman
David R. Beyeler
Gerald W. Garber
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, February 23, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 235th year of the Commonwealth....

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Chairman Shifflett welcomed the citizens present.

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Andrew Wyche, a senior of Buffalo Gap High School, led the Pledge of Allegiance. Andrew plans on attending the Regent University in Virginia Beach and major in Creative Writing.

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

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THE BIG READ MONTH – PROCLAMATION

Diantha McCauley, Librarian, and Christiana Shields, Grants Manager of the Community Foundation of the Central Blue Ridge, were present to receive the proclamation. Ms. Shields announced that the Foundation received a \$10,000 matching grant (4th year) from the National Endowment for the Arts (NEA) to promote throughout the month of March events around The Heart is a Lonely Hunter throughout Staunton, Waynesboro and Augusta County. She noted that Augusta County Library is one of their biggest supporters; Augusta County Historic Society is another strong supporter. There will be an exhibit at the R.R. Smith Center in Staunton, titled the “Guarded View,” which is a photographic history of Western State Hospital. Ms. Shields mentioned that the first year, there were approximately 6,000 to 7,000 people attending; last year was over 40,000 participants. The Foundation will be purchasing 1,100 books for distribution. Information was distributed to the Board. She added that there would be a kick-off event on Tuesday, March 1st, at the R. R. Smith Center.

Ms. Sorrells distributed information of the kick-off event on Tuesday, March 1st, with Mr. Garber attending to read the Proclamation.

Ms. Sorrells read the following Proclamation:

THE OFFICE OF THE BOARD OF SUPERVIORS
COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA

PROCLAMATION

WHEREAS, an initiative of the National Endowment for the Arts, The Big Read is designated to bring communities together through literature: and

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THE BIG READ MONTH – PROCLAMATION (cont'd)

WHEREAS, The Big Read aims to address the critical issue of declining literacy reading in America; and

WHEREAS, aided by a strong sense of community and passion for the arts, Augusta County, Staunton, and Waynesboro were selected from communities nationwide by the NEA to participate in The Big Read program; and

WHEREAS, *The Heart is a Lonely Hunter*, written by Carson McCullers, is the book upon which activities such as lectures, book discussions, and other special events are based; and

WHEREAS, due in large part to the dedication of the Community Foundation of the Central Blue Ridge, the Augusta County Public Libraries, the Staunton Public Library, and the Waynesboro Public Library, the citizens of Augusta County, Staunton, and Waynesboro have joined together through literature to make The Big Read a success;

NOW, THEREFORE, I, Jeremy L. Shifflett, Chairman of the Augusta County Board of Supervisors, do hereby proclaim the month of March 2011 to be

THE BIG READ MONTH
In Augusta County, Virginia.

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board adopt the proclamation.

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

Nays: None

Motion carried.

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WILSON OFFICE PARK, LLC AND ROYAL CARE PROPERTIES, LLC - REZONING

This being the day and time advertised to consider a request to rezone with proffers 4.14 acres from Single Family Residential to General Business, 0.71 acres from Multi-Family Residential to General Business, 2.38 acres from Single Family Residential to Multi-Family Residential and to add proffers on 1.76 acres currently zoned Multi-Family Residential. The property is owned by Wilson Office Park, LLC and Royal Care Properties, LLC and located on the south side of Jefferson Highway (Route 250) across from the intersection of Jefferson Highway (Route 250) and Idlewood Boulevard (Route 1316) in Fishersville (Wayne District). The Planning Commission recommends approval with proffers.

Becky Earhart, Senior Planner, displayed property outlined in green to be rezoned from Single Family to General Business; Multi-Family to General Business is outlined in red. Single Family to Multi-Family is outlined in brown; and the 1.76 acres already zoned Multi-Family is in blue.

The Applicant has submitted the following proffers:

1. The road layout for the property, including the street connection lining up with Idlewood Boulevard, will be in substantial conformance with the Wilson Office Park Proposed Rezoning Exhibit (Exhibit A) prepared by Balzer and Associates and dated January 18, 2011. There shall be no access to Route 250 other than the street connection shown on the plan.
2. Prior to site plan approval of any development on the business zoned property, a traffic study shall be completed and submitted to VDOT and the County for approval analyzing the intersection of Route 250,

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WILSON OFFICE PARK, LLC AND ROYAL CARE PROPERTIES, LLC – REZONING

- Idlewood Boulevard, and the new public road serving the site, as well as the need for a traffic signal. Based on the results of the study, the applicant will build any required improvements including turn lanes and enter into a traffic signal agreement for up to 50% of the cost of the light, if warranted.
3. Any outdoor lighting installed on the Multi-Family zoned property shall be in conformance with the lighting standards for Business and Industrial zoned properties as contained in Article VI.A. Outdoor Lighting of the Augusta County Zoning Ordinance.
 4. No building on the Multi-Family Residential zoned property shall exceed two stories, there shall be no more than 48 individual dwelling units total on the property and there shall be no more than 8 units per building. The buildings adjacent to Tax Map 66-73D and identified as buildings A-D on the Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011 shall contain no more than 6 units per building.
 5. The buildings constructed in the Multi-Family Residential portion of the property shall have multiple roof lines and covered porches and be similar in appearance to the rendering submitted as Exhibits C-1 and C-2.
 6. Buildings in the Multi-Family Residential portion of the project shall be phased. Building permits (for anything other than the foundation only) for dwelling units 25-48 shall not be issued until at least 60 calendar days have passed from the date of issuance of Certificates of Occupancy (either temporary or permanent) for the first 24 individual dwelling units.
 7. There shall be planted and permanently maintained in front of each dwelling unit a minimum of 4 shrubs on the Multi-Family Residential portion of the property and as generally depicted on the rendering submitted as Exhibits C-1 and C-2.
 8. The existing vegetation along the southern property line adjacent to Tax Map 66-73D will be permanently retained in its natural undisturbed state within a variable width buffer area 12-20 feet as generally depicted on Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011. In order to limit the visual impact of the proposed project, the grading from the southwest corner of the property for at least 150 feet shall be completed in such a manner that will lower the improvements in that area below existing grade at least 3'. The existing vegetation along the western property line adjacent to Tax Map 66-90A shall be permanently retained within a minimum 10' wide buffer area, with the exception of the area within the right-of-way (including the required grading) of the proposed public road and as generally depicted on the Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011. As part of the road construction project for the new public road accessing this property at least 15 evergreen trees shall be planted on Tax Map 66-90 within 50' of the proposed public road right-of-way. The trees must be at least 4' at the time of planting and must live for at least 24 months after planting (or replanting, if applicable) at which time the responsibility for the retention and maintenance of the trees shall transfer to the owner of Tax Map 66-90, unless other arrangements have been made.
 9. No building on the General Business portion of the property shall exceed two stories.
 10. There shall be no exposed metal siding or vinyl siding installed on the north side of any building or structure in the General Business portion of the property.

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WILSON OFFICE PARK, LLC AND ROYAL CARE PROPERTIES, LLC – REZONING
(cont'd)

Ms. Earhart stated that the property has been zoned Single Family Residential since February, 1948; Multi-Family Residential was rezoned in August, 1996. The property is in the Urban Service Area and slated for Multi-Family Residential zoning. Public water and public sewer are available.

Ms. Earhart read the following statement for the purpose of the State and Local Government Conflict of Interest Act:

I am a member of the Board of Directors of Augusta Mutual Insurance, which is an adjacent property owner to this request; however, I am able to participate in the transaction fairly, objectively, and in the public interest. I have filed a written declaration of personal interest, as required by the Act.

Howard Vance, of Balzer and Associates, applicant, advised that he has been working with staff and adjoining property owners to address the concerns and the proffers submitted reflect those efforts. He noted that the owners of the property are experienced developers in both Multi-family and Commercial properties and work hard to keep well-maintained and clean units for their tenants. The project will be privately financed and they will use local construction crews for the development.

The Chairman declared the public hearing open.

Ms. Earhart read a letter of support from Ms. Ada Conyers, an adjacent property owner.

Bill Tueting asked if there were any open space planned for youth activities. Mr. Vance reported that there is an area in the southwest corner, which they plan to lower the grade on which will be open space; there will also be some green space in the southeast quadrant of the property.

Mr. Pyles, in reference to Ms. Conyers' letter stating her expectation of trees being planted on her property, asked if this was correct. Mr. Vance stated that it was one of the proffers submitted. He mentioned that Ms. Conyers owned two parcels; on one parcel, the trees were retained; the front parcel is where the road will be constructed and some trees had to be removed; therefore, some trees will be planted within 50 feet of the road for replacement of those removed. Ms. Conyers will select the exact location to best buffer her property.

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

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance with proffers:

A request to rezone with proffers 4.14 acres from Single Family Residential to General Business, 0.71 acres from Multi-Family Residential to General Business, 2.38 acres from Single Family Residential to Multi-Family Residential and to add proffers on 1.76 acres currently zoned Multi-Family Residential. The property is owned by Wilson Office Park, LLC and Royal Care Properties, LLC and located on the south side of Jefferson Highway (Route 250) across from the intersection of Jefferson Highway (Route 250) and Idlewood Boulevard (Route 1316) in Fishersville in the Wayne District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

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WILSON OFFICE PARK, LLC AND ROYAL CARE PROPERTIES, LLC – REZONING (cont'd)

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

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

Parcel numbers 1 and 2A (portion) on tax map number 66C(1) containing a total of approximately 8.7 acres are changed as follows: 4.14 acres from Single Family Residential to General Business; 0.71 acres from Multi-Family Residential to General Business; 2.38 acres from Single Family Residential to Multi-Family Residential, with the following proffers, as well as adding the proffers to the 1.76 acres currently zoned Multi-Family Residential:

1. The road layout for the property, including the street connection lining up with Idlewood Boulevard, will be in substantial conformance with the Wilson Office Park Proposed Rezoning Exhibit (Exhibit A) prepared by Balzer and Associates and dated January 18, 2011. There shall be no access to Route 250 other than the street connection shown on the plan.
2. Prior to site plan approval of any development on the business zoned property, a traffic study shall be completed and submitted to VDOT and the County for approval analyzing the intersection of Route 250, Idlewood Boulevard, and the new public road serving the site, as well as the need for a traffic signal. Based on the results of the study, the applicant will build any required improvements including turn lanes and enter into a traffic signal agreement for up to 50% of the cost of the light, if warranted.
3. Any outdoor lighting installed on the Multi-Family zoned property shall be in conformance with the lighting standards for Business and Industrial zoned properties as contained in Article VI.A. Outdoor Lighting of the Augusta County Zoning Ordinance.
4. No building on the Multi-Family Residential zoned property shall exceed two stories, there shall be no more than 48 individual dwelling units total on the property and there shall be no more than 8 units per building. The buildings adjacent to Tax Map 66-73D and identified as buildings A-D on the Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011 shall contain no more than 6 units per building.
5. The buildings constructed in the Multi-Family Residential portion of the property shall have multiple roof lines and covered porches and be similar in appearance to the rendering submitted as Exhibits C-1 and C-2.

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WILSON OFFICE PARK, LLC AND ROYAL CARE PROPERTIES, LLC – REZONING
(cont'd)

- 6. Buildings in the Multi-Family Residential portion of the project shall be phased. Building permits (for anything other than the foundation only) for dwelling units 25-48 shall not be issued until at least 60 calendar days have passed from the date of issuance of Certificates of Occupancy (either temporary or permanent) for the first 24 individual dwelling units.
- 7. There shall be planted and permanently maintained in front of each dwelling unit a minimum of 4 shrubs on the Multi-Family Residential portion of the property and as generally depicted on the rendering submitted as Exhibits C-1 and C-2.
- 8. The existing vegetation along the southern property line adjacent to Tax Map 66-73D will be permanently retained in its natural undisturbed state within a variable width buffer area 12-20 feet as generally depicted on Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011. In order to limit the visual impact of the proposed project, the grading from the southwest corner of the property for at least 150 feet shall be completed in such a manner that will lower the improvements in that area below existing grade at least 3'. The existing vegetation along the western property line adjacent to Tax Map 66-90A shall be permanently retained within a minimum 10' wide buffer area, with the exception of the area within the right-of-way (including the required grading) of the proposed public road and as generally depicted on the Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011. As part of the road construction project for the new public road accessing this property at least 15 evergreen trees shall be planted on Tax Map 66-90 within 50' of the proposed public road right-of-way. The trees must be at least 4' at the time of planting and must live for at least 24 months after planting (or replanting, if applicable) at which time the responsibility for the retention and maintenance of the trees shall transfer to the owner of Tax Map 66-90, unless other arrangements have been made.
- 9. No building on the General Business portion of the property shall exceed two stories.
- 10. There shall be no exposed metal siding or vinyl siding installed on the north side of any building or structure in the General Business portion of the property.

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

Nays: None

Motion carried.

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(END OF PUBLIC HEARING)
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MATTERS TO BE PRESENTED BY THE PUBLIC

Keith Willis, President of Mountain Valley Truck & Trailer, Inc., provided information concerning his 2009 and 2010 Business Personal Property Tax. He felt that the Board of Supervisors was "elected to oversee and supervise the management of Augusta County". He further stated, "As an elected official, one of your responsibilities

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

is to monitor, manage and oversee the business operations of the County.” He felt that the Board “failed in what the citizens have directed them to do”. He reported that he has received four statements from the Commissioner of Revenue stating that he owed Personal Property Business taxes for 2007, 2008, 2009, and 2010. He stated that he was required to provide an inventory of Personal Property of the business and return it to the Commissioner of Revenue. After returning the information to the office of the Commissioner of Revenue, a few weeks later, two staff members came to his business to do a “walk-through” inventory. He expressed concern of the Commissioner of Revenue office over-stating the value of his machinery and tools. He had documentation of the value of his property and asked for the value to be adjusted. They were not. He mentioned that when he began his business, he approached the Economic Development office to determine if there was any funding or incentives in starting a new business. He was told not unless he was going to hire 50 or more employees. He noted that the *“Executive Summary of the Augusta County Economic Development Strategic Plan”* states “small businesses make up a majority of the portion of the local economy.” He stated, based on the recent data published by the federal government, nearly 80% of Augusta businesses employ 20 or less employees. He reiterated that the Commissioner of Revenue ignored factual data as to the real cost of his property. “They are collecting taxes that you all enacted on items that we own. By the time this item is done generating tax dollars, it will have generated taxes far greater a value than its original value. It is taxing items that we have already paid sales tax on.” When he expressed his concern to state and federal legislators, the response was that this matter was not a state law; it is a local ordinance.

Mr. Pyles advised that the Commissioner of Revenue is a Constitutional office and does not report to the Board of Supervisors. He felt that Mr. Willis’ concerns were valid and deserve attention. “We need a Commissioner of Revenue who is working with the public, not against them.”

Mr. Beyeler suggested that Dennis Burnett, Economic Development Director, work with Mr. Willis to “make it fair and equitable.” Mr. Beyeler also asked that Mr. Willis give him a call if needed.

Mr. Pyles stated that there have been more incidences that this and asked for a report of lawsuits related to the Commissioner of Revenue’s office.

Steve Morris, of the North River District, announced that he would be running for Supervisor in the North River District, and mentioned the following concerns:

1. Mount Solon Volunteer Fire Department – 3 career personnel needs to remain in this Fire Department to allow them to better serve the community.
2. Verona Fire Station – place an ambulance which would better serve the Verona and Fort Defiance area.
3. Deerfield Volunteer Fire and Rescue Department – 3 career personal currently; please continue.
4. “This Board, County Administrator, Assistant County Administrator knew that there was a problem in the Fishersville area. You also know of a Rescue Squad, not in the North River District, but in another district, that is having problems. I’ve been told that this problem can be fixed tomorrow. That’s not good enough; it should have been fixed yesterday.”

Laura Jones, Social Studies teacher at Stuarts Draft High School, and Co-President of the Augusta County Education Association, addressed concerns of the School Board budget. She noted that cuts to the budget averaged out to approximately \$1,400 per student. She noted that it is the responsibility of the General Assembly to fund public schools; “over the past few years, they have neglected to adequately fill that role, so it falls to the local legislators to make up for that decreased funding.” “It is incumbent

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WAIVERS/VARIANCES (cont'd)

further looked at, the developer has agreed to put in a 2-hour fire separation between the basement level and the first floor of the church and it has been recalculated for the fire flow requirement of 750 gpm. The developer has agreed to install an alarm system that would automatically call ECC and also install the 2-hour rated floor system between the first floor and basement level for fire separation in the church.

Bill Moore, with Balzer and Associates, mentioned that a hydrant was discussed but found that it was too expensive (\$100,000) and agreed with installing the alarm system and fire separation.

Mr. Coleman asked what the implications were on insurance. Mr. Moore had no information.

Mr. Garber thanked staff for finding a "workable solution". He had viewed the site and felt that if this building was placed between two houses, it was the County's responsibility to protect the two houses. He stated that he would support the waiver as long as documentation is available reflecting that the church agrees to this risk.

Mr. Garber moved, seconded by Mr. Beyeler, 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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CONSENT AGENDA

Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board approve the consent agenda as follows:

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, February 9, 2011

FISHERSVILLE BALLFIELD LEASE AGREEMENT

Considered transfer of Management Agreement from Fishersville Ruritan Club to Fishersville Baseball/Softball League, Inc. (Wayne District).

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

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. Howdyshell:

1. Setback in North River District

Mr. Howdyshell moved, seconded by Ms. Sorrells, that the setback issue be referred to the Ordinance Committee for review and submittal of recommendations to the Board.

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

Setback (cont'd)

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

Nays: None

Motion carried.

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- 2. Natural Chimneys – Because of the inclement weather (high winds) resulting in fallen trees and debris, Mr. Howdysshell asked if it were possible for citizens to help with clean-up.

Mr. Howdysshell moved, seconded by Mr. Coleman, that the Board authorize private individuals to assist with tree and debris removal from this weekend's high winds and inclement weather.

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

Nays: None

Motion carried.

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Mr. Garber: Asked if the Board would allow an Agriculture Industry Board member to come to the next Staff Briefing to discuss goals and objectives.

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AGRICULTURE INDUSTRY BOARD – APPOINTMENT

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board appoint Walter Winkler to serve a 4-year term on the Agriculture Industry Board, effective immediately, to expire December 31, 2014.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY SERVICE AUTHORITY – APPOINTMENT

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board appoint Nancy T. Sorrells to serve a 4-year term on the Augusta County Service Authority, effective March 15, 2011, to expire March 14, 2015.

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

Nays: None

Motion carried.

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

Ms. Sorrells:

- 1. Buffalo Gap High School FFA Breakfast – Ms. Sorrells, Messrs. Beyeler, Pyles and Coleman attended. Wonderful job!

AUGUSTA COUNTY SERVICE AUTHORITY – APPOINTMENT

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board appoint Jeremy L. Shifflett to serve a 4-year term on the Augusta County Service Authority, effective March 15, 2011, to expire March 14, 2015.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1. Facebook – “Soft opening” – has had 602 visits – “All positive.”
- 2. Redistricting – Gov. McDonnell’s Bipartisan Redistricting Commission has announced dates for four meetings: February 24th, March 8th, March 17th, and March 24th. When the General Assembly begins their veto session, process will start. Becky Earhart added that the plan would probably be completed by the middle of April.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman

County Administrator