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Regular Meeting, Wednesday, August 24, 2011, at 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 Whetzel, Director of Finance  
Patrick J. Coffield, County Administrator  
John C. McGehee, Assistant County Administrator  
Rita R. Austin, Executive Secretary, CMC

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 24, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236<sup>th</sup> year of the Commonwealth....

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Chairman Shifflett welcomed the citizens present.

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Larry Wills led the Pledge of Allegiance.

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Wendell L. Coleman, Wayne District, delivered invocation.

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**INTERSTATE BUSINESS PARK, LLC – REZONING**

This being the day and time advertised to consider a request to rezone from General Business to Multi-Family Residential approximately 17 acres with proffers owned by Interstate Business Park, LLC and to add proffers to 86.7 acres owned by Interstate Business Park, LLC. The property is located in the northeast quadrant of the intersection of Tinkling Spring Road (Route 285/608) and Ramsey Road (Route 635) (Beverly Manor District). The Planning Commission recommends denial of the request; however, if the rezoning is approved by the Board of Supervisors, the Commission recommends approval of the revised proffers.

Becky Earhart, Senior Planner, displayed property designating the portion of the property that is being rezoned to Multi-Family located in the rear of the property; the remaining acreage, that is under consideration to add proffers to is the rest of the property that is already zoned General Business, which is outlined in pink. The parcels that have already been sold are not applicable to the proffers; although, they do count in the square footage of business and industrial space that is mentioned in the proffers. The applicant has submitted the following proffers:

1. Interstate Business Park, L.L.C., its successors or assigns, shall cause completion of the "Road Improvements," as defined in that certain Development Agreement dated as of November 22, 2003, by and between the County of Augusta, Virginia and Bill V. Neff, Sr., as amended and assigned by that certain First Amendment to and Assignment of Development Agreement dated as of January 20, 2006, by and among the County of Augusta, Virginia, Bill V. Neff, Sr., and Interstate Business Park, L.L.C., and as further amended from time to time (the "Development Agreement"). The Road Improvements shall be substantially complete, with the new lanes open for public use, prior to the issuance of the Building Permit for the first (1<sup>st</sup>) residential unit in the Multi-Family Residential zoned property.

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INTERSTATE BUSINESS PARK, LLC – REZONING (cont'd)

2. Willowbrook Drive shall be bonded between Expo Road (Route 935) and Ramsey Road (Route 635), as shown on the "Rezoning Exhibit" dated July 15, 2011 prior to the issuance of the Building Permit for the first (1<sup>st</sup>) residential unit in the Multi-Family Residential zoned property.
3. The owner shall dedicate to the County or the Virginia Department of Transportation, for public street purposes, (a) such portions of the parcel as are necessary to construct the Road Improvements in accordance with the Development Agreement, and (b) additional portions of the parcel parallel and adjacent to Ramsey Road (Route 635) within an area 25' from the existing centerline of Ramsey Road (Route 635).
4. Within sixty (60) days of approval of the rezoning, Interstate Business Park, L.L.C., its successors or assigns, shall enter into amendments to the Development Agreement and related agreements, in forms approved by the County Attorney, which shall exclude the Multi-Family Residential zoned property from the terms of the Development Agreement and related agreements.
5. Construction in the Multi-Family Residential zoned property shall be staged with the development of the General Business and Industrial zoned property. The commercial and industrial square footage as stated below shall include all commercial and industrial improvements constructed on the property covered by the Development Agreement and related documents. The commercial and industrial square footage requirements shall be deemed to have been met once the structure is substantially complete, which shall mean that at a minimum the exterior is complete and the interior is ready for tenant upfit. The staging plan is as follows:
  - a. Building Permits shall be available for up to 50 total residential units after a cumulative total of 50,000 gross square feet of commercial and industrial are substantially complete.
  - b. Building Permits shall be available for an additional 50 residential units (total of 100) after a cumulative total of 75,000 gross square feet of commercial and industrial are substantially complete.
  - c. Building Permits shall be available for an additional 75 residential units (total of 175) after a cumulative total of 150,000 gross square feet of commercial and industrial are substantially complete.
  - d. Building Permits shall be available for an additional 75 residential units (total of 250) after a cumulative total of 250,000 gross square feet of commercial and industrial are substantially complete.
6. No more than 250 multi-family residential zoned units shall be permitted on the entire 103.7 acre property.
7. Buildings constructed in the Multi-Family Residential zoned property shall not exceed 3-stories in height above grade.
8. The owner shall provide a minimum 10' vegetated buffer with 6' tall privacy fencing along the northern property line of the Multi-Family Residential zoned property adjacent to the General Industrial and General Agriculture zoned properties. Along all other boundaries, the owner shall provide A) a minimum 20' vegetated buffer or B) a minimum 10' vegetated buffer with 6' tall privacy fencing, or C) buffers required by County Ordinance if the County Ordinance is more stringent than options A or B above. The buffer shall contain a mixture of deciduous and evergreen trees and shrubs consistent with buffers currently required by ordinance between General Business and Multi-Family zoned properties.
9. There shall be no direct access from the Multi-Family Residential zoned property to Ramsey Road (Route 635), or to the Multi-Family Residential zoned property from Ramsey Road (Route 635). All vehicular entrances for the Multi-Family Residential zoned property shall be on Willowbrook Drive.

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INTERSTATE BUSINESS PARK, LLC – REZONING (cont'd)

10. There shall be no direct access from the General Business zoned property to Ramsey Road (Route 635), or to the General Business zoned property from Ramsey Road (Route 635). All vehicular access to and from the General Business zoned property shall be by means of the parcel's internal road system, as generally shown on the "Rezoning Exhibit" dated July 15, 2011.

Ms. Earhart added that this property was zoned General Business in November, 1980. Public water and public sewer are available. She stated the Planning Commission recommends denial of the request; however, she noted that if the Board of Supervisors wishes to support the rezoning, the Planning Commission recommends the approval of the revised proffers. This related to a change that the developer has made that ties his Residential development to Building Permits, not Certificate of Occupancy.

Frank Bailiff, of Interstate Business Park, LLC, thanked both Staff and the Planning Commission members for their assistance in resolving some issues by developing the revised proffers. He stated that he was very committed to the property and was aware that nothing could happen until the road improvements were made. He felt that the Multi-Family is an opportunity that is synergistic for the property. He felt that it met a lot of the long-term goals of the Comprehensive Plan for the Urban Service districts to have more mixed use and higher density uses and transition from Commercial towards Residential. He stated that this approval would enable them to move forward and get the funding for the road and then to be able to open up the development for all of the commercial users.

The Chairman declared the public hearing open.

Jo Payne, 2564 Mt. Torrey Road, Lyndhurst, Virginia, supported the request. She felt that this project would tie into the road improvements and provide housing in proximity to the commercial and shopping areas and provide jobs. If people who lived in the Multi-Family area worked in the vicinity, it would allow them to walk or bike to work; therefore, eliminating traffic issues. With the appropriate buffers, she felt that this would add substantial public benefit. "Having bodies there would generate more interest in the Commercial."

Clinton Shilling, 808 Wren Street, Staunton, Virginia, who owns property adjacent to this request was concerned with congested traffic that would occur on Jerricho Road, which would be a shortcut to Staunton from Expo. He also mentioned concerns of the water runoff from the project. He had contacted Community Development and VDOT and received no assistance on his existing issues.

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

Mr. Bailiff's response to Mr. Shilling's comments:

1. Congested traffic - With the bridge and road in place, it would be more convenient for traffic to come out on to Route 608 than to take a shortcut through a gravel road.
2. Drainage – The project, as developed, has a stormwater basin to serve the whole site. As the project begins, it will be quite different from what is currently happening.

Chairman Shifflett made the following comment:

This is in the Beverley Manor District. As we know, in 2007 Interstate Business Park was

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### INTERSTATE BUSINESS PARK, LLC – REZONING (cont'd)

here with a similar request to rezone to Multi-Family. In no short words, it is completely different from the request tonight. At that time, there was no guarantee of State funding for the road improvements of the Exit 91 bridge or Route 285. There was nothing mentioned about additional commercial construction coinciding with the Multi-Family. It was basically just the rezoning of this property to Multi-Family. When Southern Development came forward and said they were thinking about a rezoning request, again, one of the things that Community Development made sure to point out was that they looked at the other Multi-Family developments in Fishersville and that surrounding area and what has been approved, it is my understanding, they did. I can't help think that it placed a little bit of doubt with those guys as they took a step further and conducted an independent study of the area to determine if the area could support more Multi-Family. That is part of our packet here and it does support it. Now, here we are four years later back with some changes. The State has fast-tracked improvements to the Exit 91 bridge and the 285 roadway and it makes sense that the road improvements from Expo and Ladd Road intersections, back to Ramsey and Augusta Farms intersections coincide with that bridge work. Those road improvements are also what is holding up development, as the parcels that have been sold before, that are along 608 in this park and it will also help alleviate the bottleneck of the traffic that you have now at the bridge. It is one of the reasons why the traffic is spilling over into Jericho Road because they are using it as a shortcut instead of going through the "mess there at Exit 91". The biggest change from '07 to now is that the Multi-Family construction is staged with Commercial construction. Developers will have to build a certain square footage of Commercial space before building permits can be issued for the Multi-Family units. This helps bind them to this project. How it works, basically, is the road improvements have to be done; then Commercial construction; and then Multi-Family construction. Similar areas to this – now, first the Planning Commission, it was a split-vote when they did it; it wasn't a unanimous vote to recommend denial on this. If you look right across 608 from this property at Ivy Ridge, there is Commercial and Industrial, with Multi-Family, and, interesting enough, in 2007, from what I could find, that request for rezoning from Industrial to Multi-Family was approved. That was in a Business Park. If you looked at other Mixed Use developments in the region, where there is a mixture of Commercial and Residential, you have Windward Pointe, Myers Corners, and others, as Ms. Payne said, Mixed Use developments are where residents can walk to work, shop, walk to eat. You know, they stay there and it is what we see as more of Mixed Use as it gets the most usage out of the land. Also, this is in the Urban Service Area. There is water and there is sewer and it is where we want the growth. This is not short, to say, that this could be the jumpstart in spurring economic activity at Interstate Business Park. I am going to make the recommendation that the Board approve the request with the revised proffers.

#### Mr. Coleman made the following comment:

I have certainly been a party to denying the two previous requests. It was simply to build more apartments. My district joins that. Matter of fact, South River and Beverley Manor and Wayne join there around Sheetz and McDonald's. I see this as a win-win. The developers – Southern Development and Interstate Business Park have certainly made, since they were here before, considerable concessions. I really like the idea that it is being staged and the staging that is most important for me right now is the roads. Exit 91, as you heard, we finally got that fully funded and it is on the fast-track with the State that will widen that bridge and road from Expo all the way down to Tinkling Spring Church and entrance into the Hospital. Obviously, without this other construction, along 608 there in front of this development and Dominion Outdoors, you will go from four lanes and turnlanes and all that stuff into another bottleneck. That is not going to be useful. By all of this being done, and they agreeing that they are going to go out there and to make the other improvements while the State will be bidding this other project to widen the bridge and widen these other lanes down to the Hospital; and the fact that we are going to see something besides rocks out there, I really am anxious to see those rocks moved and there be something along there. This development has nothing to do, necessarily, with the property along that road out there that belonged to Bill Neff. He was the original developer out of Harrisonburg that bought the property and then sold it off to Southern Development and Interstate Business Park. I personally am anxious to see something happen. I am certainly anxious, again, to see the road widen and to deal with the traffic and to take the traffic that right now has increased tremendously on Jericho Road. I am well aware of that because people are going to do everything they can to avoid that bridge. As far as the runoff, one of the things we have to be ensured as part of the site plan, and all of that stuff, is that from an engineering standpoint, that the project adequately address all of those kind of issues. We, as a Board, have to be reassured

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**INTERSTATE BUSINESS PARK, LLC – REZONING (cont'd)**

that, in fact, that is the case with this project and with every project. I have certain confidence that, in fact, that will happen with this project and the County will, in fact, oversee this and make sure that it happens and that we keep the water where the water needs to be kept and we not dump additional water onto the neighbors downstream. The water is going to go somewhere whether it is Multi-Family there, or whether it is all Commercial and Industrial property that gets built there, it is still the same amount of acreage and it is going to generate the same amount of water.

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

**ORDINANCE**

A request to rezone from General Business to Multi-Family Residential approximately 17 acres with proffers owned by Interstate Business Park, LLC and to add proffers to 86.7 acres owned by Interstate Business Park, LLC. The property is located in the northeast quadrant of the intersection of Tinkling Spring Road (Route 285/608) and Ramsey Road (Route 635) in the Beverley Manor District.

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

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

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

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

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

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

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

Parcel number 27 on tax map number 66D (2) containing a total of approximately 17 acres is changed from General Business to Multi-Family Residential and proffers are added to the 86.7 acres already zoned General Business. The following proffers are applicable to the entire acreage:

1. Interstate Business Park, L.L.C., its successors or assigns, shall cause completion of the “Road Improvements,” as defined in that certain Development Agreement dated as of November 22, 2003, by and between the County of Augusta, Virginia and Bill V. Neff, Sr., as amended and assigned by that certain First Amendment to and Assignment of Development Agreement dated as of January 20, 2006, by and among the County of Augusta, Virginia, Bill V. Neff, Sr., and Interstate Business Park, LLC, and as further amended from time to time (the “Development Agreement”). The Road Improvements shall be substantially complete, with the new lanes open for public use, prior to the issuance of the Building Permit for the first (1<sup>st</sup>) residential unit in the Multi-Family Residential zoned property.
2. Willowbrook Drive shall be bonded between Expo Road (Rt. 935) and Ramsey Road (Rt. 635), as shown on the “Rezoning Exhibit” dated July 15, 2011 prior to the issuance of the Building Permit for the first (1<sup>st</sup>) residential unit in the Multi-Family Residential zoned property.
3. The owner shall dedicate to the County or the Virginia Department of Transportation, for public street purposes, (a) such portions of the parcel as are necessary to construct the Road Improvements in accordance with the Development Agreement, and (b) additional portions of the parcel parallel and adjacent to Ramsey Road (Rt. 635) within an area 25’ from the existing centerline of Ramsey Road (Rt. 635).

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INTERSTATE BUSINESS PARK, LLC – REZONING (cont'd)

4. Within sixty (60) days of approval of the rezoning, Interstate Business Park, LLC, its successors or assigns, shall enter into amendments to the Development Agreement and related agreements, in forms approved by the County Attorney, which shall exclude the Multi-Family Residential zoned property from the terms of the Development Agreement and related agreements.
5. Construction in the Multi-Family Residential zoned property shall be staged with the development of the General Business and Industrial zoned property. The commercial and industrial square footage as stated below shall include all commercial and industrial improvements constructed on the property covered by the Development Agreement and related documents. The commercial and industrial square footage requirements shall be deemed to have been met once the structure is substantially complete, which shall mean that at a minimum the exterior is complete and the interior is ready for tenant upfit. The staging plan is as follows.
  - A. Building Permits shall be available for up to 50 total residential units after a cumulative total of 50,000 gross square feet of commercial and industrial are substantially complete.
  - B. Building Permits shall be available for an additional 50 residential units (total of 100) after a cumulative total of 75,000 gross square feet of commercial and industrial are substantially complete.
  - C. Building Permits shall be available for an additional 75 residential units (total of 175) after a cumulative total of 150,000 gross square feet of commercial and industrial are substantially complete.
  - D. Building Permits shall be available for an additional 75 residential units (total of 250) after a cumulative total of 250,000 gross square feet of commercial and industrial are substantially complete.
6. No more than 250 multi-family residential zoned units shall be permitted on the entire 103.7 acre property.
7. Buildings constructed in the Multi-Family Residential zoned property shall not exceed 3-stories in height above grade.
8. The owner shall provide a minimum 10' vegetated buffer with 6' tall privacy fencing along the northern property line of the Multi-Family Residential zoned property adjacent to the General Industrial and General Agriculture zoned properties. Along all other boundaries, the owner shall provide A) a minimum 20' vegetated buffer or B) a minimum 10' vegetated buffer with 6' tall privacy fencing, or C) buffers required by County Ordinance if the County Ordinance is more stringent than options A or B above. The buffer shall contain a mixture of deciduous and evergreen trees and shrubs consistent with buffers currently required by ordinance between General Business and MultiFamily zoned properties.
9. There shall be no direct access from the Multi-Family Residential zoned property to Ramsey Road (Rt. 635), or to the Multi-Family Residential zoned property from Ramsey Road (Rt. 635). All vehicular entrances for the Multi-Family Residential zoned property shall be on Willowbrook Drive.
10. There shall be no direct access from the General Business zoned property to Ramsey Road (Rt. 635), or to the General Business zoned property from Ramsey Road (Rt. 635). All vehicular access to and from the General Business zoned property shall be by means of the parcel's internal road system, as generally shown on the "Rezoning Exhibit" dated July 15, 2011.

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 - NONE

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INDUSTRIAL DEVELOPMENT AUTHORITY NAME CHANGE - ORDINANCE

This being the day and time advertised to consider a request to consider an ordinance authorizing change in name of Industrial Development Authority to Economic Development Authority.

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**INDUSTRIAL DEVELOPMENT AUTHORITY NAME CHANGE – ORDINANCE** (cont'd)

Dennis Burnett, Economic Development Director, advised that the ordinance has been advertised, as requested by the current Industrial Development Authority. The request was for a name change to an Economic Development Authority to better reflect their program.

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

AN ORDINANCE TO AMEND CHAPTER 2 OF THE  
CODE OF THE COUNTY OF AUGUSTA, VIRGINIA  
TO REFLECT THE CHANGE OF NAME OF  
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF  
AUGUSTA COUNTY, VIRGINIA TO  
THE ECONOMIC DEVELOPMENT AUTHORITY OF  
AUGUSTA COUNTY, VIRGINIA

**WHEREAS**, by ordinance dated March 25, 1969, and now codified as § 2-32 of The Code of the County of Augusta, Virginia, the Board of Supervisors of Augusta County, Virginia, created a political subdivision in the nature of an authority and designated it as the "Industrial Development Authority of Augusta County, Virginia," with such powers as permitted by the applicable law of the Commonwealth of Virginia;

**WHEREAS**, the Industrial Development Authority of Augusta County, Virginia has requested that the Board of Supervisors of Augusta County, Virginia consider changing the name of the authority to the "Economic Development Authority of Augusta County, Virginia" to better reflect the nature and scope of the authority's activities;

**WHEREAS**, Virginia Code § 15.2-4903 authorizes the governing body of a locality to name such an authority the "Economic Development Authority \_\_\_\_\_";

**WHEREAS**, this matter has been properly advertised, heard and considered; and

**WHEREAS**, the Board of Supervisors of Augusta County, Virginia, finds that the requested name change would serve the best interests of Augusta County, Virginia.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Augusta County, Virginia that § 2-32 of The Code of the County of Augusta, Virginia, be amended as follows:

**§ 2-32. — ~~Industrial~~ Economic Development Authority of Augusta County, Virginia.**

A. There is hereby created a political subdivision of the Commonwealth of Virginia with such public and corporate powers as are set forth in the Virginia Industrial Development and Revenue Bond Act.

B. The name of the political subdivision hereby created shall be the ~~Industrial~~ Economic Development Authority of Augusta County, Virginia.

This ordinance shall take effect upon enactment.

The Clerk is directed to cause a copy of this ordinance to be spread on the records of the Circuit Court of Augusta County, Virginia.

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

Nays: None

Motion carried.

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August 24, 2011, at 7:00 p.m.

VALLEY COMMUNITY SERVICES BOARD – PERFORMANCE CONTRACT

The Board considered FY2011-12 State Performance contract as proposed.

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

Highlights from the presentation are as follows:

1. Budget FY2012:

Mental Health Services	\$11,170,096
Developmental Services	\$ 7,369,680
Substance Abuse Services	\$ <u>2,379,580</u>
Total	\$20,919,356

2. Local Match – Augusta County: \$117,860; Total from Localities: \$363,782; Other Local Funding: \$333,640.00 (FAPT, DRS, CAPSAW, Blue Ridge Court, Probation & Parole, Jail); Total Local Funding: \$697,392.00. (10.87% of Total State and Local Funding) 10% is required.
3. Total Clients served: 4173; Augusta County: 1491. Total includes services other than Mental Health (MH), Substance Abuse (SA), or Developmental Services (DS); services to clients with original residence outside catchment area; recommitment hearings at Western State Hospital for clients outside catchment area. Also includes clients served by Emergency Services who are not admitted to MH, DS, SA programs.
4. FY11 Challenges:
  - a. FY11 Shortfall of \$2.3M- subject to final audit
  - b. FY 11- Encumbered funds were spent and those expenditures are reflected in FY11- \$ of shortfall
  - c. Update of Compensation System
  - d. Benefit Costs Increases
  - e. Implementation of Extensive Electronic Health Record (EHR)
  - f. Decreased Net Revenue
  - g. Vacant Positions
  - h. Lowered Utilization of some Programs
  - i. New Standards for Providers
  - j. Pre-Authorization Requirements for Services
5. The resulting budget is predicted at breakeven and although challenging, VCSB is determined to take necessary steps to live within this budget. Some of the Fund Balance is encumbered for Repairs & Replacements, Capital Projects, Program Development and Completion of the EHR Implementation. Fund Balance as of June 30, 2011 (unaudited) is \$8,136,719.00

Mr. Beyeler asked Ms. Simmers to introduce members who were present at tonight's meeting: Melissa Meyerhoeffer; Nicole Medina; Stella Sabados; and Karen Cochran.

Mr. Coleman asked if those clients served were on duplicated numbers. Ms. Simmers said they were; they are unduplicated in terms of coming back to the same program.

Mr. Pyles asked if jobs were cut. Ms. Simmers said that 5 management (not revenue-producing) positions were cut; 6 were program-intensive in-home programs for children, which were private providers in the community. They felt that this service was being duplicated. They also narrowed the scope of the child-day treatment program. There were not enough children at certain sites to support the infrastructure of the site. (Example: one client in Craigsville.) Mr. Pyles understood that, with the unemployment rate, "we ought to find people to work for a reasonable pay". Ms. Simmers said that there was not enough of competitive compensation for a licensed professional in this



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VALLEY COMMUNITY SERVICES BOARD – PERFORMANCE CONTRACT (cont'd)  
area. Mr. Pyles asked for assurance that citizens are not denied services that is greatly needed. He asked for a more detailed budget. Ms. Simmers agreed that there is not enough of money to take care of all the needs. "We are to look at how we take care of the seriously mentally ill and the seriously developmental disabled. It is hard to make the dollars go further than that. I can assure you that everyone is doing their best to serve as many people as they possibly can."

Mr. Coffield said that he had the audit and would get it to Mr. Pyles.

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board table this item until the next Board meeting – September 14, 2011.

Ms. Simmers noted that the State requires this to be approved by September 30, 2011.

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

Nays: None

Motion carried.

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FUEL REIMBURSEMENT FOR VOLUNTEERS

The Board considered funding for program and timeframe for reimbursement of payments.

Funding Source: #92040-9999

John C. McGehee, Assistant County Administrator, reported that this had been discussed at Monday's Staff Briefing. He added that it had been discussed at the Emergency Services Officers Association meeting last night. Minday Craun, Lt., Volunteer Coordinator-Emergency Services, reported that it was a priority for the Officers Association to reinstate the fuel reimbursement. They voted for a six-months payment.

Chairman Shifflett reiterated that this had been discussed at the Staff Briefing on Monday of \$90,000. He felt that it would have been the quarterly payments, but did not have a problem with six months. He noted that this and the recommendations for the fire study was a priority for the Officers Association.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board approve the reinstatement of the fuel reimbursement of \$90,000, with six-months payments, and recommendations for the study be discussed at the next work session in September (September 26<sup>th</sup>).

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

Nays: None

Motion carried.

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FIRE AND RESCUE EQUIPMENT GRANT PROGRAM

The Board considered Committee's recommendation as it relates to equipment grant request from the following agency:

<u>Agency</u>	<u>Request</u>	<u>Recommendation</u>	<u>Funding Source</u>
Verona Vol. Fire	\$16,000	\$16,000	80000-8152

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FIRE AND RESCUE EQUIPMENT GRANT PROGRAM

Mr. McGehee stated that this item was discussed at Monday’s Staff Briefing. He noted that this request was for the purchase of a smaller vehicle and use department money for the match.

Ms. Sorrells moved, seconded by Mr. Coleman, 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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ANIMAL SHELTER

The Board considered Memorandum of Understanding for Animal Shelter.

Jennifer M. Whetzel, Director of Finance, reported that the Memorandum of Understanding (MOU) had been discussed at the Staff Briefing on Monday. She briefly hit the highlights of the MOU for the Animal Shelter. This agreement would be between the County of Augusta, the City of Staunton and the City of Waynesboro. She noted that the agreement closely models that of the current Landfill Agreement, along with the SAW Range agreement. The agreement covers real estate; how costs will be split between the three entities; budget and fiscal matters; members of the Executive Committee; and meeting schedules; and how votes would be counted. The effective date is September 1, provided that zoning use and other permits required are approved and in place. She noted that Mr. Morgan has received response from one of the cities who had minor changes but would not change the intent of the agreement. Because of the effective date of September 1, she recommended that the Board approve the MOU tonight contingent upon the cities’ approval and authorize the County Attorney to make minor modifications as needed.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board approve the Memorandum of Understanding for Animal Shelter contingent upon the cities’ approval and authorize the County Attorney to make minor modifications as needed.

Mr. Pyles felt that the Executive Committee should meet quickly. He hoped that this Animal Shelter would be user-friendly and suggested that “adoptable” animals should be at a minimal cost and be placed on the website.

Ms. Sorrells added that this would be good for the community and good for the animals. “Just because those services are no longer happening at the SPCA, it doesn’t mean it is a decrease in services. I think we care as much as the SPCA and the community about animal welfare and what is going on here.” She noted that SPCA will be coming to the animal shelter and selecting animals that have the potential of being adopted. She also suggested that other organizations be notified of these animals.

Mr. Beyeler asked for a copy of the minutes for the first few months.

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

Nays: None

Motion carried.

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August 24, 2011, at 7:00 p.m.

### FIRE HYDRANT MARKINGS

The Board considered color coding hydrants in the County to allow emergency personnel to identify hydrant flow upon arrival at an emergency scene.

Funding Source: ACSA CIP Account #80000-8149 \$3,000

Mr. McGehee reported that the County Administrator had introduced this item at the Staff Briefing on Monday. In looking at the ISO requirements for Augusta County, 40% of the rating is based on the water that is available to the firefighters. The markings on the hydrant will indicate the flow rate. The total cost is \$6,000 to purchase different colored rings to go on the hydrant. The Service Authority has agreed to pay half and will do the installation. Mr. McGehee felt that the firefighters would be appreciative of this coding and that this will improve the ISO grading.

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

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

Nays: None

Motion carried.

\* \* \* \* \*

### PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION

The Board considered resolution establishing the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act.

Patrick J. Coffield, County Administrator, advised that this item had been discussed at Monday's Staff Briefing and that it requires annual action by the Board.

Mr. Howdysshell moved, seconded by Ms. Sorrells, that the Board adopt the following resolution:

#### **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 2011 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-two (52%).

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.

August 24, 2011, at 7:00 p.m.

PERSONAL PROPEY TAX RELIEF PROGRAM – RESOLUTION (cont’d)

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

Nays: None

Motion carried.

\* \* \* \* \*

FLOODPLAIN OVERLAY DISTRICTS – ORDINANCE AMENDMENT

The Board considered options regarding buffer/setback in floodplain overlay districts.

Timmy Fitzgerald, Director of Community Development, stated that this item had been discussed at Monday’s Staff Briefing and that he had presented additional issues regarding survey requirements. At that time, the Board had asked for options to be provided at tonight’s meeting. He noted that he had met with the FEMA liaison to discuss some of the ordinance changes. None of the ordinance changes will impact the National Flood Insurance Program. Three options provided were:

1. 10’ setback from floodplain lines regardless of zoning.
2. Board waiver after viewing the site and upon presentation of documentation from the applicant that the public health, safety, or welfare would be equally or better served by the modification or waiver and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting the modification or waiver the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.
3. No setbacks.

\*This will be changed in the ordinance if #1 or 2 are selected. Add an exception to the sketch plan ordinance that would eliminate the need for a survey.

Mr. Fitzgerald added that this will be considered at the Joint Public Hearing with Planning Commission on September 13<sup>th</sup>.

Jo Payne felt that there should not be any setbacks added to the floodplain in addition to FEMA’s requirements. She also suggested that the deletion of the 100-foot buffer be deleted in the ordinance. She did not understand the justification of putting restrictions on the property. She asked that the Board not adopt Section 25-474.2 that proposes treating the flood elevation line as an exterior boundary. She did not feel that was legal. She mentioned that Back Creek has been affected by these changes in the new maps and hoped that the flood study would confirm some of the lines and delete some of the areas.

Ms. Sorrells asked Mr. Fitzgerald if the setback had been in the ordinance since 2007. Mr. Fitzgerald said it has been in since 2007 and the floodplain line has been used for determining setbacks.

Ms. Sorrells asked Mr. Morgan if this could be amended so that the Board of Supervisors could make a waiver when they felt it to be necessary.

Patrick J. Morgan, County Attorney, advised that when the language was drafted, it was meant to “prevent the Board from making an arbitrary and capricious decision”.

Ms. Sorrells did not have a problem of deleting the buffer because “it was a bad line on a bad line”, but she felt that the 25’ setback offered protection to the property owners.

Mr. Coleman agreed with Ms. Sorrells. He noted that at previous meetings, citizens expressed support for the buffer/setback provision. He expressed concern of deleting this provision and removing the “flexibility”.

August 24, 2011, at 7:00 p.m.

FLOODPLAIN OVERLAY DISTRICTS – ORDINANCE AMENDMENT (cont'd)

Tim Farley echoed Ms. Payne. He felt that the boundary lines were not legal. He emphasized that there was a section of flood zones that were not studied. They were drawn by approximation. He did not feel that these regulations “made sense”. He suggested that no regulations be considered on line approximations; “If it is important enough to be regulated, then it should be studied first.” He reiterated that this ordinance has put his family farm in jeopardy.

Mr. Pyles felt that the purpose of setbacks were to protect the neighbor. Streams are a natural buffer between the two properties. “We need to get out of this business and forget about the setbacks.”

Mr. Garber felt that the Board needed to be reasonable and correct the mistake that has been made.

Mr. Garber moved, seconded by Mr. Coleman, that the Board authorize the advertisement of the ordinance amendment.

Ms. Sorrells reiterated that the purpose of a setback is to protect our neighbors. She felt the better solution was to have a waiver provision. She agreed that the FEMA lines are flawed, but to eliminate setbacks would cause problems.

Mr. Beyeler asked if 25-474.1 was needed in the ordinance. Mr. Fitzgerald said 25-474.2 would be deleted. The waiver provision is needed because there may be places in the floodplain that would have extreme elevation and a waiver may be needed.

Mr. Garber felt that this was two different issues, but if needed he would add to the motion to approve the waiver provision.

Mr. Garber restated the motion to have no setbacks in the FEMA flood lines.

Ms. Sorrells asked the County Attorney how this motion would affect the public hearing if changes were to be made. If people came to the hearing expressing the desire to keep the setback provision, would there have to be another public hearing.

Mr. Morgan stated that when restrictions were more intensive with zoning classification, another public hearing would be necessary. This does not affect the density or the activities. Setbacks are already in the ordinance; therefore, a public hearing would not be needed.

Chairman Shifflett agreed with eliminating the setbacks.

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

Nays: None

Motion carried.

Mr. Beyeler asked, if you have an inaccurate floodplain map (referred to Laurel Hill), 20 feet above; now, it has to be 8 feet above that? Mr. Fitzgerald said it wasn't 8 feet; if it is clearly out of the floodplain district, and the Zoning Administrator and County Engineer viewed the property; it could be waived. If it is 20 feet, it is going to be out of the floodplain district. If you are in the floodplain, an appeal of the survey can be made and a waiver can be granted. Mr. Beyeler asked if the appeal can come before the Board of Supervisors and a provision be drafted in the ordinance. Mr. Fitzgerald said that usually it

August 24, 2011, at 7:00 p.m.

FLOODPLAIN OVERLAY DISTRICTS – ORDINANCE AMENDMENT (cont'd)

goes before the Board of Zoning Appeals. It would also have to go to FEMA for review because it is in the floodplain.

Mr. Morgan said he felt it could not be drafted in the ordinance, but would review it and see what can be done.

Mr. Fitzgerald, referring to Mr. Farley's comment on the zones that have not been studied, there should not be any requirements in the ordinance. Mr. Fitzgerald stated that they do not have the option of removing the requirements. They need those requirements to maintain flood insurance.

\* \* \* \* \*

WAIVERS/VARIANCES - NONE

\* \* \* \* \*

CONSENT AGENDA

Mr. Pyles asked that the Bio-Solids Land Application item be removed from the Consent Agenda.

\* \* \*

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

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, July 13, 2011
- Special Meeting, Friday, July 15, 2011
- Staff Briefing Meeting, Monday, July 25, 2011
- Regular Meeting, Wednesday, July 27, 2011
- Regular Meeting, Wednesday, August 10, 2011

BERRY FARM TIMBER SALE

Considered pre-harvest plan and approval of RFP as revised (February 1, 2012 Notice to Proceed).

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)**

\* \* \* \* \*

BIOSOLIDS LAND APPLICATION

Considered public comments regarding Recyc Systems, Inc. application for a Virginia Pollution Abatement (VPA) Permit to land apply bio-solids in Virginia.

Mr. Pyles expressed concern of the letter not having "enough teeth" indicating the Board's opposition of out-of-state biosolids being accepted. His principal concern was the acceptance of out-of-state biosolids being accepted when the County is under increased regulations to reduce the amount of nutrients applied to land to meet Chesapeake Bay initiatives. Additionally, there are numerous water quality studies underway evaluating the impact of nutrients on public and private water sources. He felt it prudent to postpone or delay approval of this biosolids application until more science is known on the impact of biosolids on public and private water sources.

August 24, 2011, at 7:00 p.m.

BIOSOLIDS LAND APPLICATION (cont'd)

Mr. Garber advised that DEQ had no grounds to deny the application.

After further discussion, the Board agreed that stronger language was needed to be enclosed in the letter and that out-of-state sources be eliminated from consideration.

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board authorize staff to revise letter as the Board has suggested.

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

The Board discussed the following issues:

Mr. Pyles:

1. Deerfield Community Center

Mike Nickell had provided cost estimates for the Deerfield Community Center regarding General Construction; HVAC/Appliances; Electrical; and Miscellaneous (Painting, Stove, Parking, Book drop, and signage) totaling \$212,793.62, without a budget contingency.

Mr. Beyeler asked Mr. Coffield to give a breakdown of General Construction. He gave an oral breakdown of the \$77,403.62 figure.

It was noted that the Deerfield Ruritan Club will be the contracting agency.

Mr. Pyles moved, seconded by Mr. Garber, that the Board approve the appropriation of \$212,793.62 to be taken from the Pastures Infrastructure Account #80000-8014-73.

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

Nays: None

Motion carried.

\* \* \* \* \*

- 2. Pastures Tour - Timmy Fitzgerald and Todd Flippen, along with DEQ representative, viewed maintenance of bridges. He hoped to get some support in the maintenance. He suggested that the brochure that staff had created be tweaked by Army Corps of Engineers and then forwarded to VACo. Army Corps of Engineers was quite impressed with the brochure.

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

BUILDING BOARD OF APPEALS REAPPOINTMENT

Mr. Coleman moved , seconded by Mr. Howdyshell, that the Board reappoint William G. Dudley, Jr., to serve another 5-year term, effective November 1, 2011, to expire October 31, 2016.

August 24, 2011, at 7:00 p.m.

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

BUILDING BOARD OF APPEALS REAPPOINTMENT (cont'd)

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

Nays: None

Motion carried.

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CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION APPOINTMENT

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board appoint Joey Colvin to serve a 3-year term, effective July 1, 2011, to expire June 30, 2014.

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

Nays: None

Motion carried.

\* \* \* \* \*

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

Mr. Coleman: JMU Band (Marching Royal Dukes) will be performing Friday night at the Woodrow Wilson Memorial High School.

Mr. Beyeler: Augusta County Fair – asked that a thank you note be written.

Ms. Sorrells: Riverheads Fire and Rescue – Grand Opening/Open House – Saturday, September 10, 10:00 a.m. to 2:00 p.m.

Mr. Howdyshell: Rural Rustic Roads – a citizen was present tonight to express her appreciation of the surfacing of her road.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Sheriff's Department – Skid Car –An exchange of titles with Blue Ridge Criminal Justice Academy will be necessary.
2. USDA – relocated in same building, but separate from NRCS. New lease being executed.
3. 4-H Wildlife Team National Award (WHEP) – Letter of congratulations to be forwarded to team members.
4. Biosolids tonnage report distributed to Board.

\* \* \* \* \*

CLOSED SESSION

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

- (1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)** [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:



August 24, 2011, at 7:00 p.m.

CLOSED SESSION (cont'd)

A) Boards and Commissions

**(2) the economic development exemption under Virginia Code § 2.2-3711(A)(5)**  
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

A) Industrial expansion

On motion of Mr. Coleman, seconded by Mr. Pyles, the Board came out of closed Session.

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

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

\* \* \* \* \*

CAP-SAW REAPPOINTMENT

Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board reappoint Jeremy L. Shifflett to serve another 1-year term, effective July 1, 2011, to expire June 30, 2012.

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

Nays: None

Motion carried.

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August 24, 2011, at 7:00 p.m.

AUGUSTA COUNTY BOARD OF SUPERVISORS AGENDA PACKAGES

Mr. Garber moved, seconded by Mr. Beyeler, that the Board authorize staff to furnish the Agenda Packages to unopposed Supervisor Elect Mike Shull (Riverheads) and Supervisor Elect Larry Wills (Middle River).

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. Howdyshell, 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  
H:8-24min.11

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