
Regular Meeting, Wednesday, September 28, 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
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, September 28, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236th year of the Commonwealth....

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Chairman Shifflett welcomed the citizens present.

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Janelly Lopez, a senior at Fort Defiance High School, led the Pledge of Allegiance. Janelly is in the Marching Band (a drummer) and on the Debate Team. She attended the State Debate Championships last year. She is also in the mentorship program helping to teach first graders at Clymore Elementary and plans to major in Early Childhood Elementary Education.

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Tracy C. Pyles, Jr., Pastures District, delivered invocation.

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KWC, LLC – REZONING

This being the day and time advertised to consider a request to rezone from Single Family Residential and General Business to Attached Residential with proffers approximately 5.9 acres owned by KWC, LLC located just east of the intersection of Gloucester Road (Rt. 1512) and Cambridge Court (Rt. 1502) in Stuarts Draft (South River District). The Planning Commission recommends approval with proffers.

Timmy Fitzgerald, Director of Community Development, displayed property outlined in purple. The applicant has proffered the following:

1. There will be no more than 3 dwelling units per building and no more than 26 units on the 5.944 acre tract.
2. The exterior of all units will be brick and will be similar in appearance to the units on Cambridge Court.

A Concept Plan was also displayed. A private road will be coming off of Cambridge Road cul-de-sac and tying in behind the Family Pharmacy.

Douglas L. Campbell, applicant, asked that the Board approve the request.

The Chairman declared the public hearing open.

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

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KWC, LLC – REZONING (cont'd)

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

ORDINANCE

A request to rezone from Single Family Residential and General Business to Attached Residential with proffers approximately 5.9 acres owned by KWC, LLC located just east of the intersection of Gloucester Road (Rt. 1512) and Cambridge Court (Rt. 1502) in Stuarts Draft in the South River 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 15 on tax map number 84F (8) containing approximately 5.94 acres is changed from Single Family Residential and General Business to Attached Residential with the following proffers:

1. There will be no more than 3 dwelling units per building and no more than 26 units on the 5.944 acre tract.
2. The exterior of all units will be brick and will be similar in appearance to the units on Cambridge Court.

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

Nays: None

Motion carried.

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EJ'S, LLC – REZONING

This being the day and time advertised to consider a request to rezone from Limited Industrial to General Business with proffers approximately 1.2 acres owned by EJ's, LLC located on the south side of Jefferson Highway (Rt. 250) approximately 0.4 of a mile east of the intersection of Jefferson Highway (Rt. 250) and Tinkling Spring Road (Rt. 285) in Fishersville (Wayne District). The Planning Commission recommends denial.

Mr. Fitzgerald displayed property outlined in purple. The following proffers have been submitted:

1. No building or structure shall exceed thirty-five feet (35') in height.
2. A 6' tall privacy fence will be installed along the western and southern property boundaries within forty-five (45) days of rezoning approval.

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EJ'S, LLC – REZONING (cont'd)

Stacy Comer is a tenant and owner of the body shop and was available to answer questions.

The Chairman declared the public hearing open.

Jerry Snider, an adjacent property owner, stated that he has owned his property for 30 years. The property under consideration has been rezoned to light industrial; a cabinet shop has been built. It was understood that all materials were to be kept inside the building. He said that the nature of this new business would not allow all the equipment to be kept inside the building. He felt that the property values will decrease because of the noise, fumes and the regular business activity. He felt that it would be an eyesore; he felt that the body shop would become a junkyard.

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

Mr. Coleman reported that he had attended the Planning Commission where it was denied. He noted that there was no mention of additional buffers except for the current natural vegetation. Immediately following the Planning Commission meeting, he viewed the property. He added that the Supervisors viewed the property after the Staff Briefing on Monday.

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

ORDINANCE

A request to rezone from Limited Industrial to General Business with proffers approximately 1.2 acres owned by EJ's, LLC located on the south side of Jefferson Highway (Rt. 250) approximately 0.4 of a mile east of the intersection of Jefferson Highway (Rt. 250) and Tinkling Spring Road (Rt. 285) in Fishersville in the Wayne District.

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

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

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

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

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

WHEREAS, the Board of Supervisors has considered the application, 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 52 on tax map number 67B (3) containing approximately 1.2 acres is changed from Limited Industrial to General Business with the following proffers:

1. No building or structure shall exceed thirty-five feet (35') in height.
2. A 6' tall privacy fence will be installed along the western and southern property boundaries within forty-five (45) days of rezoning approval.

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EJ'S, LLC – REZONING (cont'd)

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

Nays: None

Motion carried.

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DONALD REXRODE – AMEND PROFFERS

This being the day and time advertised to consider a request to remove the proffer on approximately 2.5 acres zoned General Business owned by Donald Rexrode located on the north side of Stuarts Draft Highway (Rt. 340) approximately 0.2 of a mile east of the intersection of Stuarts Draft Highway (Rt. 340) and White Hill Road (Rt. 654) in Stuarts Draft (South River District). The Planning Commission recommends deletion of the proffer.

Mr. Fitzgerald displayed property outlined in blue. In 2008, this property was rezoned to General Business with a proffer that provided access through a shared entrance with an adjacent property owner. Mr. Rexrode, the original landowner, acquired this land back, but the adjacent property owner is unwilling to grant a joint access agreement. Based on Mr. Rexrode's inability to acquire a joint access on to Route 340, an access management exception has been granted by VDOT; therefore, he is asking that the proffer be removed from his property stating that he has to have a shared entrance so that he can install a new commercial entrance on Route 340.

Donald Rexrode, applicant, stated that it has taken two years to get to this point and asked for Board approval.

The Chairman declared the public hearing open.

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

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

ORDINANCE

A request to remove the proffer on approximately 2.5 acres zoned General Business owned by Donald Rexrode located on the north side of Stuarts Draft Highway (Rt. 340) approximately 0.2 of a mile east of the intersection of Stuarts Draft Highway (Rt. 340) and White Hill Road (Rt. 654) in Stuarts Draft in the South River 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;

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DONALD REXRODE – AMEND PROFFERS (cont'd)

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

The proffers are removed on parcel numbers 1 and 1A on tax map number 84D (1) containing a total of approximately 2.5 acres.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY BOARD OF SUPERVISORS – REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to General Business approximately 4.8 acres known as the Diamond Club Ballfield owned by the Augusta County Board of Supervisors located in the northwest quadrant of the intersection of Cambridge Drive (Rt. 1502) and Stuart Avenue (Rt. 1510) in Stuarts Draft (South River District). The Planning Commission recommends approval.

Mr. Fitzgerald displayed property outlined in purple behind the Stuarts Draft Fire Department. The Diamond Club would like to build new bleachers and need to be able to build closer to the property line. In order to do this, it needs to be rezoned to General Business to allow a different setback.

The Chairman declared the public hearing open.

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

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

ORDINANCE

A request to rezone from General Agriculture to General Business approximately 4.8 acres known as the Diamond Club Ballfield owned by the Augusta County Board of Supervisors located in the northwest quadrant of the intersection of Cambridge Drive (Rt. 1502) and Stuart Avenue (Rt. 1510) in Stuarts Draft in the South River 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 48 on tax map number 84A (5) containing a total of approximately 4.749 acres is changed from General Agriculture to General Business.

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AUGUSTA COUNTY BOARD OF SUPERVISORS – REZONING (cont'd)

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

Nays: None

Motion carried.

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LARRY LEE WEAVER – REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to Single Family Residential approximately 0.2 of an acre owned by Larry Lee Weaver located on the west side of Stuart Avenue (Rt. 1510) adjacent to the Diamond Club Ballfield in Stuarts Draft (South River District). The Planning Commission recommends approval.

Mr. Fitzgerald displayed property outlined in purple. He stated that this lot is adjacent to the Diamond Club that is currently split-zoned between General Agriculture and Single Family Residential. This is basically a clean-up measure in order for Mr. Weaver to get his zoning consistent. Mr. Weaver has been contacted and is in agreement.

The Chairman declared the public hearing open.

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

Mr. Coleman explained to the audience the process of tonight’s meeting when a Staff Briefing meeting occurs on Monday with a considerable amount of discussion. He did not want the audience think that these items have not been thoroughly discussed.

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

ORDINANCE

A request to rezone from General Agriculture to Single Family Residential approximately 0.2 of an acre owned by Larry Lee Weaver located on the west side of Stuart Avenue (Rt. 1510) adjacent to the Diamond Club Ballfield in Stuarts Draft in the South River 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 numbers 48A and 48C on tax map number 84A (5) containing approximately 0.2 of an acre are changed from General Agriculture to General Business.

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LARRY LEE WEAVER – REZONING (cont'd)

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

Nays: None

Motion carried.

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ORDINANCE AMENDMENTS

This being the day and time advertised to consider an Ordinance amending the Code of Augusta County, Virginia by modifying various provisions in Chapter 21, the Subdivision ordinance, and Chapter 25, the Zoning Ordinance. The Planning Commission recommends approval of the changes.

Mr. Fitzgerald reported that this had been discussed at the Staff Briefing on Monday. The purpose of the request is to do some miscellaneous changes to the Zoning and Subdivision Ordinances. He highlighted the following:

MISCELLANEOUS ORDINANCE CHANGES

- ▶ §25-4: Group home definition amended to include no more than 8 aged, infirmed, or disabled persons living together with staff members- allowed as a single family dwelling
- ▶ §25-4: Adds definitions for caregiver, mentally or physically impaired person, and temporary health care structure and in §25-72.1, 122.1, & 132.1 permits temporary health care structures in GA, RR, and SFR districts as required by State Code
- ▶ §25-16: Establishes a 25' minimum setback of 25' from property line unless otherwise specified; clarifies requirements for lots without road frontage.
- ▶ §25-24: Provides an exception to the sketch plan ordinance in cases where the footprint of the building doesn't change.
- ▶ §25-33: Exempts ballfields from marking their parking spaces
- ▶ §25-35: Adds parking requirements for batting cages, dialysis centers, and ice cream parlors.
- ▶ §25-41: Clarifies the definition of a temporary sign to be no more than 60 days in any one year period.
- ▶ §25-42: Adds a waiver provision to allow larger advertising signs when within 100' of a residentially zoned district.
- ▶ §25-52. Increases the size of an accessory building allowed on undeveloped lots in all districts to 200 square feet.
- ▶ §25-68.4, 68.5, 69.6 Modifies the requirements for wireless telecommunication facilities and wind energy facilities allowing the Board of Zoning Appeals to consider requests where the general requirements for the facilities can not be met.
- ▶ §25-72.1 Clarifies that accessory buildings can be erected in the front yard of lots 1 acre or larger in General Agriculture districts.
- ▶ §25-73.B. Adds produce stands, and "pick-your own" farms to the list of examples of Ag businesses allowed by Administrative Permit where at least 75% of the goods sold are produced on the premises.
- ▶ Clarifies in the Home Occupations, Class A sections that utility trailers are not considered to be commercial vehicles and clarifies that landscaping, lawn care, and mowing businesses can be permitted as a Home Occupation as long as all equipment and utility vehicles are kept off-site.
- ▶ §25-73.J. Increases the acreage required to qualify for a Rural Home Business Administrative Permit in General Ag districts to 2 acres; other standards remain the same. Qualifying businesses on lots less than 2 acres may still have the option to apply for a Special Use Permit.

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ORDINANCE AMENDMENTS (cont'd)

- ▶ §25-74. Adds a requirement in the SUP standards for limited businesses and industries in agriculture zones a requirement that all items for sale or stored on site must be setback at least 25' from edge of pavement and never in r-o-w; requirement consistent with requirement for vehicle sales lots in GB districts.
- ▶ §25-77.1. Eliminated the requirement that land with steep slopes couldn't be counted as part of the gross site acreage in a cluster subdivision consistent with a new state requirement.
- ▶ §25-230.1 and 240.1 Eliminated the requirement for bonding for MFR and MHP developments.
- ▶ §25-304. B. Clarified that required parking spaces can't be used for outdoor storage, however, extra parking spaces can.
- ▶ §25-308 and 387 Adds planned commerce to the list of districts along which no buffer is required if adjacent to a business or industrial development. Also adds property which is planned for community or neighborhood mixed use but currently zoned General Agriculture to the list of properties that do not require a buffer.
- ▶ §25-435. Adds religious institutions to the list of uses permitted in a Planned Commerce District and deletes feed, grain, and fertilizer sales, storage and handling facilities from the list of prohibited uses.
- ▶ §25-675. Decreases to 3 days the number of days notice required prior to having a site plan meeting and allows the Director of Community Development to schedule one earlier.
- ▶ §25-707. Adds a provision addressing the validity of plans of developments approved prior to March 1, 2010 when plans of developments were no longer required for MF and MHP projects.

MISCELLANEOUS SUBDIVISION ORDINANCE CHANGES

- ▶ §21-9. Deletes this section which required site plans and plans of development to be subject to the Minor Subdivision Plat requirements.
- ▶ §21-42. Clarifies that the anticipated land uses comes from the Comp Plan.
- ▶ §21-43. Replaces the PC and BOS with the subdivision agent the body that reviewing agencies should send their comments to, since preliminary plat approval is no longer a legislative act.
- ▶ §21-44. Eliminates the requirement to submit an 8½" x 11" copy of the plat to the Community Development Office.

The Chairman declared the public hearing open.

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

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

**AN ORDINANCE TO ADOPT AMENDMENTS TO
SELECTED SECTIONS OF THE
ZONING AND SUBDIVISION ORDINANCES**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to make certain amendments to the Augusta County Zoning and Subdivision Ordinances;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the definitions Section 25-4 is amended to add definitions to read as follows:

§ 25-4. Definitions.

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ORDINANCE AMENDMENTS (cont'd)

Caregiver. For the purposes of this chapter, an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person. For the purposes of this chapter, a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Motor vehicle, inoperable. Any motor vehicle, trailer or semi-trailer which meets any of the following:

1. Does not have valid license plates and valid inspection decals.
2. Is not in operating condition.
3. Has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle for a period of sixty (60) days or longer.

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

The term Group Home is amended to read as follows:

Group home. A single family dwelling that is occupied as:

A. A residential care facility for adults and/or children licensed by the State Department of Mental Health, Mental Retardation and Substance Abuse Services, designed to provide resident services to individuals who are physically handicapped, mentally ill, mentally retarded, or developmentally disabled, in which no more than eight (8) such individuals reside with one or more resident counselors or other staff persons. For the purposes of this section, mental illness and developmental disability shall not include illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401.

B. A residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. For purposes of this ordinance, "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority.

C. For the purposes of this chapter, a group home shall be considered a single-family dwelling.

Be it further resolved that Section 25-16 of the Augusta County Zoning Ordinance is amended by adding a new subparagraph J to read as follows:

§ 25-16. Lots and yards.

J. No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to any property line than twenty-five feet (25') unless specifically provided otherwise in the district regulations.

Be it further resolved that Section 25-24 of the Augusta County Zoning Ordinance is amended to read as follows:

§25-24. Exceptions and exemptions to certain sketch plan and foundation survey requirements.

A. ~~Exceptions.~~ Foundation surveys in accordance with §25-23 will not be required in the following circumstance:

The placement of manufactured homes on a manufactured home park lot that existed prior to 1995, unless otherwise provided in an approved plan of development, does not require foundation, slab, or pier survey. County staff shall determine if there is sufficient space for the requested unit to meet

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ORDINANCE AMENDMENTS (cont'd)

all setback requirements.

B. ~~Exemptions~~. Storage buildings that are less than two hundred fifty-six (256) square feet and not on a permanent foundation are exempted from these requirements.

C. The requirements of §§25-22D. and 23 will not apply in the case of additions, alterations, or reconstructions where the addition, alteration or reconstruction either:

1. Does not change the footprint of the building, manufactured home, or structure; or

2. Is proposed to be located no closer than:

a. Five feet (5') from any applicable minimum side or rear setback or yard requirement; or

b. Twenty feet (20') from any applicable minimum front setback or yard requirement.

Be it further resolved that Section 25-33 of the Augusta County Zoning Ordinance is amended by adding to subparagraph F the following language:

4. The marking of parking spaces for ball fields (other than commercial ball fields) is not required.

Be it further resolved that Section 25-35 of the Augusta County Zoning Ordinance is amended by adding the following parking categories:

§ 25-35. Number of spaces required.

Batting cages:	One per cage
Dialysis Centers:	2 per treatment room
Bakeries, ice cream parlors	One for every 200 square feet plus one for every three seats with fixed seating.

Be it further resolved that the term Temporary Signs as found in Section 25-41, Definitions of the Augusta County Zoning Ordinance is amended to read as follows:

Temporary sign. Any sign, banner, pennant or other advertising medium intended to be displayed for a short period of time [not to exceed sixty (60) days **in any one year period**] as required by the provisions of this article for permanent signs of the same type. This includes "going out of business" signs.

Be it further resolved that subparagraph F of Section 25-42 of the Augusta County Zoning Ordinance is amended by adding:

§ 25-42. General provisions.

F. No freestanding advertising sign larger than four square feet shall be permitted within one hundred feet (100') of any lot line in a residential zoned district, **unless a waiver is granted by the Board of Supervisors pursuant to the requirements set forth in §25-42 M of this Code.**

Be it further resolved that Section 25-42 of the Augusta County Zoning Ordinance is further amended by adding subparagraph M to read as follows:

M. **Waiver.** The requirements of §25-42. F. may be modified or waived in an individual case if the Board of Supervisors finds that the granting of a modification or waiver will have no adverse impact and the sign is compatible with the neighborhood. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.

Be it further resolved that Section 25-52 of the Augusta County Zoning Ordinance is amended to read as follows:

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ORDINANCE AMENDMENTS (cont'd)

§ 25-52. Accessory uses on undeveloped lots and other lots not used for agricultural, residential, commercial or industrial purposes.

The following uses are permitted in any zoning district when accessory to an undeveloped lot or any lot not used for agricultural, residential, commercial or industrial use:

A. Utility sheds and similar storage facilities for the storage of materials and equipment customarily associated with the maintenance of undeveloped lots, provided that the aggregate area of such buildings or structures on any lot does not exceed ~~150~~ **two hundred** square feet (**200 sq. ft.**).

B. Stormwater management facilities as an off-site accessory to neighboring properties, subject to the requirements of chapter 18 of this code.

Be it further resolved that Section 25-68.4 C. 6. of the Augusta County Zoning Ordinance is amended by adding the following language:

§ 25-68.4. Uses permitted by Administrative Permit.

C. New wireless telecommunications facility less than 199' in height.

A new wireless telecommunications facility may be permitted by Administrative Permit provided the facility is one hundred ninety-nine feet (199') or less in height provided that:

6. Towers and antenna support structures shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA) **or the Zoning Administrator**. Antennas shall be of a neutral, nonreflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting.

Be it further resolved that the initial paragraph of Section 25-68.5 B and Sections 25-68.5 B. 6. and 25-68.5 B. 7. of the Augusta County Zoning Ordinance are amended by adding the following language:

§ 25-68.5. Uses permitted by Special Use Permit.

B. Wireless telecommunications facilities.

New wireless telecommunication facilities over one hundred ninety-nine feet (199'), new wireless telecommunications facilities that are lighted, existing facilities expanded higher than one hundred ninety-nine feet (199'), facilities otherwise permitted by Administrative Permit but where objections have been received, and facilities where **setback requirements cannot be met or the** recommendations of the consultant cannot be met may be permitted by Special Use Permit provided that:

6. Towers and antenna support structures shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA) **or the board of zoning appeals**. Antennas shall be of a neutral, nonreflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting.

7. Antenna support structures shall be set back a distance equal to one hundred ten percent (110%) of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty percent (150%) of the height of the structure from any dwelling **unless the board of zoning appeals finds that a lesser setback will adequately protect neighboring properties**. Setbacks for telecommunications antenna support structures shall be measured from the base of the structure to the property line of the parcel on which it is located and to the nearest corner of the off-site structure, as applicable. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following the construction of the structure.

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ORDINANCE AMENDMENTS (cont'd)

Be it further resolved that Sections 25-69.6 B. and 25.69.6 C. of the Augusta County Zoning Ordinance is amended by adding the following language:

§25-69.6. Uses permitted by Special Use Permit.

B. The uses listed in this section shall be permitted in General Agriculture (GA), General Business (GB), and General Industrial (GI) zoning districts subject to compliance with this article and provided that:

1. The wind energy system is greater than eighty feet (80') in height; and

2. Where no more than two (2) systems are located on a parcel; and/or

3. Where a wind energy system/s are lighted; and/or

4. Facilities where the required setback requirements cannot be met; and/or

~~4.~~ **5.** Where objections have been received for systems which are otherwise permitted by Administrative Permit.

C. Standards applicable to wind energy systems permitted by Special Use Permit.

1. Setbacks. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following construction of the structure. In addition, the following setbacks shall be observed:

a. The minimum distance from the base of any wind turbine tower to all adjacent property lines shall be one hundred ten percent (110%) of the system height and one hundred fifty percent (150%) of the system height from any neighboring dwelling or commercial building **unless the board of zoning appeals finds that a lesser setback will adequately protect neighboring properties;** and

b. Any structure considered accessory to the turbine should adhere to the setbacks required in the district the turbine is located.

Be it further resolved that Section 25-72.1 B of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-72.1. Accessory buildings and uses.

B. Accessory buildings and structures are permitted with the following limitations:

1. Lots of less than one (1) acre in area:

Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in side or rear yards, however, in no case shall any accessory building or structure be larger than the footprint of the dwelling or taller than the dwelling. The setback requirements in § 25-78 shall be observed.

2. Lots one (1) acre or more in area:

Accessory buildings and structures without size or height limit may be erected. ~~in side or rear yards.~~ The **side yard** and ~~rear~~ setback requirements in § 25-78 shall be observed.

3. Temporary family health care structure provided that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of

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Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

Be it further resolved that Section 25-73 of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-73. Uses permitted by Administrative Permit.

B. Greenhouses, nurseries, and tree farms, produce stands or pick-your-own-farms where products grown on the premises are sold to the public.

Greenhouses, nurseries, ~~or~~ tree farms, **produce stands or pick-your-own farms** may be permitted by Administrative Permit provided:

1. At least seventy-five percent (75%) of the products sold on the premises must be made or grown on the premises. Where twenty-five percent (25%) or more of the products sold on the property are not made or grown on the premises, the use shall be subject to district regulations applicable to agriculture support businesses; and

2. Approval by the Virginia Department of Transportation; and

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

4. All parking, buildings, structures, and materials placed or stored on the site shall be set back a minimum of twenty-five feet (25') from all side and rear boundaries.

G. Home occupations, Class A.

Home occupations may be permitted by Administrative Permit provided:

1. The lot is less than one (1) acre in size; and

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

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

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

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

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

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

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

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

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

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

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

11. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and

12. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N. **For purposes of this section a commercial vehicle does not include a utility trailer.**

The following uses are not considered to be Home occupations, Class A: trash and garbage collection, ~~small engine repair, motor vehicle repair~~, boarding house, day care centers, private schools, firearm sales; **and small engine repair, motor vehicle repair**, landscaping, and lawn care and mowing businesses **unless all equipment and utility vehicles are kept off site.**

J. Rural home business.

Site standards:

Acreage	Maximum No. of Employees (on-site)	Heavy Equipment (on-site)	Maximum number of Commercial Vehicles (on-site)
2-less than 20 acres	1	0	1
20-less than 50	2	2	2
50-less than 75	3	2	3
75 or greater	4	4	4

Regulations for Structures and Storage Yards:

Acreage	Max. Size of Structure*	Storage Yard Regulations
2-less than 20	900 square feet	None allowed
20- less than 50	1200 square feet	None allowed
50- less than 75	1500 square feet	None allowed
75 or greater	3000 square feet	3000 square feet*

* 100' building or storage area setback shall apply.

Be it further resolved that Section 25-74 I of the Augusta County Zoning Ordinance is amended to add subparagraph 10 to read as follows:

§25-74. Uses permitted by Special Use Permit.

I. Limited businesses and industries in agriculture zones.

Limited businesses, professions, and other establishments for the sale of goods and services or for limited industrial activities, including, but not necessarily limited to: barber and beauty shops, pet grooming businesses, day care centers and nursery schools, medical and dental clinics, veterinarian clinics, hardware stores, lawn and garden centers, motor vehicle service stations and convenience stores, auction houses and flea markets, mini-warehouses, sale and storage of building materials, carpentry, electrical and plumbing sales and services, contractor's offices and storage yards, and welding and machine shops, may be approved by Special Use Permit provided:

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1. Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view; and

2. The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties; and

3. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and

4. The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed; and

5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and

6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and

7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and

8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use; and

9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.

10. All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

Be it further resolved that Section 25-77.1 subparagraphs E and H of the Augusta County Zoning Ordinance are amended to read as follows:

§25-77.1. Cluster subdivision Option.

E. Lots created in cluster subdivisions must access an internal road system. No lots may directly access existing public streets. All lots must access new private streets which shall be designed to safely accommodate fire and rescue emergency vehicles. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed **to state standards for streets in effect at the time the request for acceptance is made** at no cost to the county or the Virginia Department of Transportation., ~~to the then current standards for streets.~~ Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.

H. Open Space Required. No less than seventy percent (70%) of the gross site area, exclusive of road rights-of-way and other areas dedicated for public use and lands within the Floodplain Overlay District, ~~and land with slopes in excess of twenty-five percent (25%)~~ shall be set aside as common open space. The common open space shall be arranged and designed so as to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. All open space shall be contiguous. The open space lot shall not be bound by the requirements of §25-19. When a cluster residential subdivision is located adjacent to land in an Agriculture and Forestal District or a conservation easement, the required open space shall be located to buffer the residential lots from that district or easement. When open space is already designated on neighboring properties, all new open space shall be designed to be linked together with neighboring properties where feasible. The open space shall be subject to a conservation easement or other perpetual easement preserving it in agricultural and /or forestal uses. Such perpetual easement shall prevent future development of the property for anything other than nonstructural agricultural and forestal uses.

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Be it further resolved that Section 25-122.1 B. 3. of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-122.1. Accessory buildings and uses.

B. 3. Temporary family health care structure provided that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

Be it further resolved that Section 25-132.1 B. 4. of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-132.1. Accessory buildings and uses.

B. 4. Temporary family health care structure that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

Be it further resolved that Section 25-133 A of the Augusta County Zoning Ordinance is amended to read as follows:

§25-133 Uses permitted by Administrative Permit.

A. Home occupations, Class A.

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

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

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

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

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

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

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

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

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

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

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

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

10. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N. **For purposes of this section a utility vehicle does not include a utility trailer.**

The following uses are not considered to be Home occupations, Class A: trash and garbage collection, ~~small engine repair, motor vehicle repair~~, boarding house, day care centers, private schools, firearm sales; **and small engine repair, motor vehicle repair, landscaping, and lawn care and mowing businesses unless all equipment and utility vehicles are kept off site.**

Be it further resolved that Section 25-163 A of the Augusta County Zoning Ordinance is amended to read as follows:

§25-163. Uses Permitted by Administrative Permit.

A. Home occupations, Class A.

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

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

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

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

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

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

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

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

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

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

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

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

10. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N. **For purposes of this section a utility vehicle does not include a utility trailer.**

The following uses are not considered to be Home occupations, Class A: trash and garbage collection, ~~small engine repair, motor vehicle repair~~, boarding house, day care centers, private schools, firearm sales; **and small engine repair, motor vehicle repair**, landscaping, and lawn care and mowing businesses **unless all equipment and utility vehicles are kept off site.**

Be it further resolved that Section 25-168 of the Augusta County Zoning Ordinance is amended to read as follows:

§25-168. Lot frontage.

Every lot shall have at least twenty feet (20') of frontage on:

- A. A public street, or
- B. A private street provided,

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

2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed **to state standards for streets in effect at the time the request for acceptance is made** at no cost to the county or the Virginia Department of Transportation, ~~to the then current standards for streets~~. Such document shall also specify the provisions for the construction, maintenance and upkeep of private streets.

- C. A parking lot provided:

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

2. A common access easement shall be provided as evidenced by a duly recorded document or deed covenant, or both. Such document shall also specify the provisions for the construction, maintenance, and upkeep of such common access easement.

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Be it further resolved that Section 25-223 A. of the Augusta County Zoning Ordinance is amended to read as follows:

§25-223 Uses permitted by Administrative Permit.

A. Home occupations, Class A.

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

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one sign no more than four (4) square feet in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. No display of products made shall be visible from the street; and
5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
 - a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; and
 - b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
6. No accessory building shall be used for such occupation; and
7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation (e.g. a pet grooming business) must be kept indoors; and
8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one arrival and one departure; and
9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and
10. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and
11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N. **For purposes of this section a utility vehicle does not include a utility trailer.**

The following uses are not considered to be Home occupations, Class A: trash and garbage collection, ~~small engine repair, motor vehicle repair~~, boarding house, day care centers, private schools, firearm sales; and **small engine repair, motor vehicle repair**, landscaping, and lawn care and mowing businesses **unless all equipment and utility vehicles are kept off site.** Be it further resolved that Section 25-233 G. of the Augusta County Zoning Ordinance is amended to read as follows:

§25-233 Uses Permitted by Administrative Permit.

A. Home occupations, Class A.

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

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

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

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

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

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

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

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

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

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

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

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

10. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N. **For purposes of this section a utility vehicle does not include a utility trailer.**

The following uses are not considered to be Home occupations, Class A: trash and garbage collection, ~~small engine repair, motor vehicle repair~~, boarding house, day care centers, private schools, firearm sales; and **small engine repair, motor vehicle repair**, landscaping, and lawn care and mowing businesses **unless all equipment and utility vehicles are kept off site.**

Be it further resolved that Section 25-237.1 of the Augusta County Zoning Ordinance is amended to read as follows:

§25-237.1. Additional parking required (in MFR districts).

In addition to the parking required in §25-35.A., guest parking and parking at the school bus pick-up point(s) shall be provided ~~in the park~~. In addition to the required parking for individual dwelling units, an amount equal to ten percent (10%) of the required parking spaces shall be provided. These requirements may be modified or waived in an individual case if the board of supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the board of supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare.

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ORDINANCE AMENDMENTS (cont'd)

Be it further resolved that Section 25-304 B. 3. of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-304. Uses permitted by Special Use Permit.

B. General outdoor storage.

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

Be it further resolved that Section 25-306.2 C. of the Augusta County Zoning Ordinance is amended to read as follows:

§25-306.2 Lot Frontage

C. Fifty Feet (50') of frontage on a private street or interparcel travelway and there is no direct access onto a public road, and provided:

1. All private streets shall be designed to safely accommodate fire and rescue emergency vehicles.
2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed **to state standards for streets in effect at the time the request for acceptance is made** at no cost to the county or the Virginia Department of Transportation., ~~to the then current standards for streets.~~ Such document shall also specify the provisions for the construction, maintenance and upkeep of private streets.

Be it further resolved that Section 25-308 A. of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-308. Buffer yards.

A. A buffer yard shall be provided adjacent to any property line not entirely zoned business, ~~or industrial,~~ **or planned commerce** and landscaped in one (1) of two (2) ways. **No buffer yard shall be required if the adjacent property is zoned General Agriculture and planned for business, industrial, community mixed use or neighborhood mixed use on the County's Comprehensive Plan Future Land Use Map.**

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm, or combination thereof. Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.

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

The applicant is free to choose from Alternatives 1 or 2. ~~No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map.~~

Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.

Be it further resolved that paragraph Section 25-387 A. of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-387. Buffer yards.

A. A buffer yard shall be provided adjacent to any property line not entirely zoned business, ~~or industrial,~~ **or planned commerce** and landscaped in one (1) of two (2) ways. **No buffer yard shall be required if the adjacent property is zoned General Agriculture and planned for business, industrial, community mixed use or neighborhood mixed use on the County's Comprehensive Plan Future Land Use Map.**

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

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fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.

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

The applicant is free to choose from Alternatives 1 or 2. ~~No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map.~~

Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.

Be it further resolved that Section 25-390 C. of the Augusta County Zoning Ordinance is amended to read as follows:

§25-390 Lot Frontage

C. Fifty Feet (50') of frontage on a private street or interparcel travelway and there is no direct access onto a public road, and provided:

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

2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed **to state standards for streets in effect at the time the request for acceptance is made** at no cost to the county or the Virginia Department of Transportation., ~~to the then current standards for streets.~~ Such document shall also specify the provisions for the construction, maintenance and upkeep of private streets.

Be it further resolved that the initial paragraph Section 25-437 of the Augusta County Zoning Ordinance is amended to read as follows:

§25-437. Permitted uses.

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

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

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

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

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

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

Hospitality establishments- Lodging and dining establishments.

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

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

Religious Institutions

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

Limited Outdoor Storage- The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall be in a designated storage area of less than 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view at grade. Limited outdoor storage shall be located in

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ORDINANCE AMENDMENTS (cont'd)

the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard.

Be it further resolved that Section 25-441 of the Augusta County Zoning Ordinance is amended to read as follows:

§25-441. Prohibited Uses.

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

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

Be it further resolved that Section 25-594 of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-594. Limitations on Variances in Floodplain Overlay Districts.

In considering applications for Variances affecting property within Floodplain Overlay Districts, the board of zoning appeals shall consider the factors and procedures specified in ~~§25-479.~~ **478.**

Be it further resolved that Section 25-673 B. 9. of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-673. Site plan contents.

B. Each site plan shall contain or be accompanied by the following:

9. Location of all buildings, structures, boundary lines and other features and distances to all property lines (**measured in a straight line to the closest point**). Distances over 500 feet may be estimated.

Be it further resolved that Section 25-675 D. of the Augusta County Zoning Ordinance is amended to read as follows:

§25-675. Review of site plans.

D. A site plan which does not meet the requirements of the applicable ordinances of any reviewing agency and is not approved by the Director of Community Development shall be scheduled for the next available site plan committee meeting but in no case sooner than ~~5-3~~ business days prior to the site plan committee meeting. **Nothing herein shall prevent the Director of Community Development from scheduling a matter for a site plan committee meeting less than three (3) full business days prior to the meeting.** The applicant and/or agent is required to attend the meeting and property owners and developers are encouraged to attend the meeting in order to make development decisions regarding the plan.

Be it further resolved that Section 25-707 of the Augusta County Zoning Ordinance is amended to read as follows:

§ 25-707. Validity of previously approved master plans and plans of development.

Nothing contained in this chapter shall be deemed to affect the validity of any master plan approved prior to January 1, 2007, in accordance with

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Chapter 21 of this Code, as it existed on December 31, 2006, or any plan of development approved prior to January 1, 2007, in accordance with Division D or Article XLI of Division G, both of Chapter 25 of this Code, as they existed on December 31, 2006. As the context may require, references in this chapter to "master plan" or "plan of development" shall be deemed to refer respectively to a master plan or plan of development approved prior to January 1, 2007.

In addition, nothing contained in this chapter shall be deemed to affect the validity of any plan of development approved prior to March 1, 2010, in accordance with Division D of Chapter 25 of this Code, as it existed on February 28, 2010.

Be it further resolved that Sections 25-230.1 and 25-240.1 of the Augusta County Zoning Ordinance are hereby repealed.

Be it further resolved that Section 21-42 A. 7. of the Augusta County Subdivision Ordinance is amended to read as follows:

§ 21-42. Contents of the preliminary plat.

A. The preliminary plat shall contain or be drawn in accordance with the following:

7. Anticipated land uses **from the comprehensive plan** including densities of all residential areas.

Be it further resolved that Section 21-43 of the Augusta County Subdivision Ordinance is amended to read as follows:

§ 21-43. Other requirements.

The preliminary plat shall also be forwarded by the subdivision agent to the following for further review and comment:

A. The Augusta County Service Authority, where applicable, or its designee, which shall advise the ~~planning commission and the board of supervisors~~ **subdivision agent** whether the proposed water and sewer facilities and related utilities are in conformity with the relevant sections of this Code, the rules, policies and regulations of the Authority, and the rules, policies and regulations of the Virginia Department of Health and the Virginia Department of Environmental Quality, as applicable.

B. The Virginia Department of Health, where applicable, or its designee, which shall advise the ~~planning commission and the board of supervisors~~ **subdivision agent** whether the proposed water and sewer facilities and related utilities are in conformity with the relevant sections of this Code and rules, policies and regulations of the Virginia Department of Health.

C. The Chief of Fire-Rescue, or his designee, who shall advise the ~~planning commission and the board of supervisors~~ **subdivision agent** concerning the provision of emergency services, including, but not limited to, emergency vehicle access and fire protection.

D. The ~~Residency Administrator of the~~ Virginia Department of Transportation, or ~~his~~ **its** designee, ~~who~~ **which** shall advise the ~~planning commission and the board of supervisors~~ **subdivision agent** whether the proposed streets and related improvements are in conformity with the relevant sections of this Code and rules, policies and regulations of the Virginia Department of Transportation.

E. Any other public officials or agencies as the subdivision agent may deem appropriate.

Be it further resolved that Section 21-44 of the Augusta County Subdivision Ordinance is amended to read as follows:

§ 21-44. Copies of preliminary plat to be submitted.

A. The request for approval of a preliminary plat shall be accompanied by eight (8) copies of the preliminary plat which shall be on white paper with black lines.

B. Each copy shall contain originals of all signatures required.

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C. One full size copy ~~and one 8½" x 11" copy~~ of the preliminary plat, ~~each~~ without topographical features, shall also be submitted.

D. ~~An approved version~~ **Once approved, a copy** of the preliminary plat in CAD/GIS format shall ~~also~~ be submitted.

Be it further resolved that Section 21-9 of the Augusta County Subdivision Ordinance is hereby repealed.

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

Nays: None

Motion carried.

* * * * *

RAILSIDE INDUSTRIES – REZONING

This being the day and time advertised to consider a request to rezone from General Industrial to Planned Commerce approximately 7 acres owned by Railside Industries located in the northeast quadrant of the intersection of Lee Highway (Rt. 11) and Buttermilk Road (Rt. 775) in Mt. Sidney (North River District). The Planning Commission recommends approval.

Mr. Fitzgerald displayed property outlined in purple indicating the old Tyco building. He noted that the only area to be zoned Planned Commerce is the actual Tyco building and the parking associated with that building. The rest of the parcel will remain as General Industrial.

Jonathan Garber, Engineer with Lineage Architects, is providing pro bono permitting services for this rezoning. On a technical basis, every thing that is going to happen in association with this rezoning is going to take place within the existing building. There will be no new construction; therefore, the Stormwater and Erosion and Sediment Control regulation will not be affected. He thanked Mr. Fitzgerald and staff for their assistance.

The Chairman declared the public hearing open.

Matthew Fike, Pastor of Pleasant Valley Church of the Brethren, and Chairman of the Board of Directors for Karis Project, added that the Karis Project is the entity that will be utilizing the space for a consignment shop. He noted that profits from the consignment shop will fund ministries both locally and internationally. He hopes that it will provide literacy, personal financial management, and cooking classes. He would also like to offer a Food Pantry in this space. As far as international, they hoped to partner with Haiti to build a school. He added that for the past two years Pleasant Valley Church held services at the Verona Firehouse on Sunday evenings and hoped to hold these services (and music practices and bible studies on Wednesdays) in this building in the near future. He advised that the intent is to be more than a consignment shop to raise money; it is to be a positive influence in northern Augusta County.

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

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

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RAILSIDE INDUSTRIES – REZONING (cont'd)

ORDINANCE

A request to rezone from General Industrial to Planned Commerce approximately 7 acres owned by Railside Industries located in the northeast quadrant of the intersection of Lee Highway (Rt. 11) and Buttermilk Road (Rt. 775) in Mt. Sidney in the North River 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 117B (portion) on tax map number 27 containing a total of approximately 7 acres is changed from General Industrial to Planned Commerce.

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

Nays: None

Motion carried.

* * * * *

GOLF CART SIGNAGE – ORDINANCE

This being the day and time advertised to consider an ordinance to amend the Code of Augusta County, Virginia sections 14-61 and 14-62 of the Motor Vehicle and Traffic Ordinance.

Mr. Fitzgerald advised that a copy of the golf cart ordinance was attached to tonight’s agenda noting a minor change regarding signage in areas where golf carts are allowed. When the ordinance was written, it was modeled after another county’s ordinance where that county felt that every street allowing golf cart usage needed signage. That is more than what the State Code requires. The change noted that, instead of “every” street having signage; consultation with the Department of Community Development and the Virginia Department of Transportation would determine the location of signs.

The Chairman declared the public hearing open.

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

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

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GOLF CART SIGNAGE – ORDINANCE (cont'd)

AN ORDINANCE TO AMEND 14-62 PARAGRAPH D OF CHAPTER 14 ARTICLE VIII OF THE CODE OF AUGUSTA, VIRGINIA, TO PROVIDE FOR SIGNAGE ON HIGHWAYS DESIGNATED FOR THE USE OF GOLF CARTS OR UTILITY VEHICLES

WHEREAS, Title 46.2, Subtitle III, Chapter 8, Article 13.1 of the Code of Virginia, grants the Board of Supervisors authority to allow the use of Golf Carts and Utility Vehicles on designated highways within the County; and

WHEREAS, the Board of Supervisors has deemed it desirable to provide for the use of such vehicles on designated highways;

NOW THEREFORE, be it ordained by the Board of Supervisors for Augusta County that:

1. The code of the county of Augusta, Virginia be, and hereby is, amended by the enactment of 14-62 D as follows:

MOTOR VEHICLES AND TRAFFIC.

ARTICLE VIII. Operation of golf carts and utility vehicles on public highways.

§ 14-61. Use of golf carts or utility vehicles on public highways.

No person shall operate a golf cart or utility vehicle on or over any public highway in the County except as provided in this article.

§ 14-62. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the Board of Supervisors has reviewed and approved such highway usage.

B. The Board of Supervisors may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within the County after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy.

C. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

D. Signs alerting motorists that golf carts or utility vehicles may be in operation shall be erected **in the area in which golf carts or utility vehicles may be operated and in consultation with the Department of Community Development and the Virginia Department of Transportation.** The County shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. All costs incurred by the County for the installation and maintenance of the signs shall be assessed to and recovered from the organization, individual, or entity that requested the designation, if applicable.

§ 14-63. County public highways designated for golf cart and utility vehicle operations.

A. The Board of Supervisors hereby designates the following public highways within the County upon which golf carts and utility vehicles may be operated in accordance with the provisions of this Article:

1. **Gloucester Road (Route 1512), Dundee Court (Route 1516), Lynn Circle (Route 1591), Windermere Road (Route 1514), Brighton Court (Route 1515), Eavers Circle (Route 1513), Yarmouth Road (Route 1500), Sylvan Drive (Route 1507), East High Street (Route 1509), Skyline Avenue (Route 1508), Kay Street (Route 1518), Crestview Drive (Route 1505), Wilson's Drive (Route 1550), West High Street (Route 1509), York Avenue (Route 1503), Virginia Avenue (Route 1501), Cambridge Drive (Route 1502), Stuart Avenue (Route 1510), Forrer Road (Route 1506), Parker Road (Route 1504), Rose Avenue (Route 1501)**

B. With regard to each of the public highways listed in subsection (A) above, the Board of Supervisors has considered the factors set forth in section 14-62(B) above, as required by Virginia Code § 46.2-916.2.

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GOLF CART SIGNAGE – ORDINANCE (cont'd)

§ 14-64. Limitations on golf cart and utility vehicle operations on designated public highways.

A. Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

1. A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. A golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light if the highway has a posted speed limit of no more than 35 miles per hour;

2. No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;

3. Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with Virginia Code § 46.2-1081;

4. Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (section 46.2-1010 et seq.) of Chapter 10 of Title 46.2 of the Virginia Code, for different classes of vehicles;

5. Golf carts and utility vehicles operating on designated public highways pursuant to this section shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in Virginia Code § 46.2-472 and provide coverage during the operation of the golf cart or utility vehicle on public highways. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such golf cart or utility vehicle is in operation on a designated public highway;

6. Golf carts and utility vehicles must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations, and ordinances pertaining to the possession and use of alcoholic beverages;

7. Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart or utility vehicle. Additionally, passengers shall not be carried on the part of a golf cart or utility vehicle designed to carry golf bags or other cargo;

8. Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic;

9. Golf carts and utility vehicles should not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog, or other conditions; and

10. The Sheriff or his designee may prohibit the operation of golf carts or utility vehicles on any highway if the Sheriff determines that the prohibition is necessary in the interest of public safety.

B. The limitations of subsection (A) above shall not apply to golf carts and utility vehicles being operated as follows:

1. To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course or to travel between a person's home and golf course if (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than 35 miles per hour;

2. To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less; and

3. As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less.

§ 14-65. Application or nomination procedure.

A. Any individual, organization, or entity may apply to the Board of Supervisors to have a qualifying public highway in the County designated for golf cart or utility vehicle use, provided, however, that:

1. The application shall be accompanied by a petition affirmatively seeking such designation; or

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GOLF CART SIGNAGE – ORDINANCE (cont'd)

2. If the public highway is located within a neighborhood with a voluntary or mandatory homeowners association, such application may be in the name of the homeowners association and signed by a duly-authorized representative of the homeowners association. If the application is in the name of the homeowners association, a petition as described in subsection (A)(1) above is not required.

B. At a minimum, each application shall include the following:

- 1. The full legal name of the individual, organization, or entity making the application;
- 2. The name and route number of each public highway to be designated; and
- 3. A petition, if one is required by subsection (A)(1) above.

C. Any costs associated with the application, including advertising costs, shall be the responsibility of the individual, organization, or entity making the application. All such costs incurred by the County shall be assessed to and recovered from the individual, organization, or entity making the application.

D. As an alternative to the application procedure outlined in subsections (A) to (C) above, the Board of Supervisors may, by its own motion, nominate qualifying public highways in the County for designation for golf cart or utility vehicle use. Any costs associated with such nomination shall be borne by the County.

E. Upon receipt and acceptance of an application, or upon nomination by the Board of Supervisors, the Sheriff shall consider the request and make a recommendation to the Board of Supervisors.

F. The Board of Supervisors shall consider the recommendation of the Sheriff; the factors set forth in section 14-62(B); and the general merits of the application before making a determination.

§ 14-66. Penalty.

A civil penalty in the amount of \$100.00 shall be assessed for any violation of this article. A civil penalty in the amount of \$250.00 shall be assessed for a repeated violation of this article. The imposition of civil penalties shall not preclude the use of injunctive relief.

§ 14-67. Revocation of designation.

The Board of Supervisors may, at its sole discretion and upon recommendation of the Sheriff, suspend the designation of any public highway for golf cart or utility vehicle use at any time.

§ 14-68. Liability disclaimer.

All persons who operate or ride upon golf carts or utility vehicles on public highways do so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The County shall have no liability under any theory of liability and assumes no such liability for permitting golf carts and utility vehicles to be operated on designated public highways.

State law reference—Va. Code §§ 46.2-916.1 to 46.2-916.3
Sections 14-69 through 14-70 reserved

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

Nays: None

Motion carried.

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MANDATORY SEWER CONNECTION FEES - ORDINANCE

This being the day and time advertised to consider an ordinance to provide for Mandatory Sewer Connection Fees for certain designated areas of Augusta County.

Ms. Sorrells made the following comment:

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MANDATORY SEWER CONNECTION FEES – ORDINANCE (cont'd)

I would like to thank everyone for coming out tonight. It has taken almost three years to get to this public hearing. We would not be here at all if not for the hard work of the citizens of Greenville and the County staff and the Augusta County Service Authority staff. Augusta County has gotten its money's worth from the staff members who have worked long hours on this.

Just a reminder that we are not here tonight to decide on whether or not there should be a public sewer project in Greenville. That issue was voted on and approved at the beginning of the summer. What we're here to decide tonight is how this funding will go forward and whether it will be with mandatory connections or not. The majority of the Board of Supervisors voted for the project because of the critical need for a public sewer system. That need exists because of the poor soils, small lots, and extreme age of many of the systems. In trying to get a handle on the extent of the problem, the Health Department, which has been an important supporter of the project, discovered that 45 of the 118 structures in the Village had no documented health permit. And so the project moved forward to tonight.

Through a lot of hard work, the county has been able to secure an unprecedented amount of funding for the project – over \$3 million! That money will not sit around and wait forever. If we don't decide on this project to move forward, that money will be spent gladly by some other community somewhere else in the State and we will not have this opportunity again. This funding is available because of the need across the state to take septic systems off line, especially those that have, or might have in the near future, issues. This helps protect the public health and the quality of our drinking water not only in Greenville, but throughout Augusta County and all the way to the Chesapeake Bay. Not only will we be upgrading the quality of life in Greenville and Augusta County, but we will be getting credit for what we have done and use those credits in our efforts to meet increasingly stringent DEQ and EPA regulations.

What we are here to decide tonight is if we have enough participation to make this project immediately affordable for the 114 to 118 building owners in the village. Although there is no doubt that the project is needed, paying normal hookup, availability, and privilege fees amounting to between \$9,000 and \$10,000 and then also paying to run a line from the transmission line to your house (estimated to be anywhere from \$2,500 to \$4,000) is unaffordable even in the best of economic times and even less so now. And then, because of the funding sources, the LOWEST monthly sewer bill would have to be \$55 but without enough participation it could be \$75 or \$80 a month. The people of the village could not be expected to shoulder that burden.

To reach the lowest POSSIBLE cost for the villagers we need 106 hookups. This would give the customers about \$13-14,000 worth of services for \$1,000. That is a one-time fee that can be paid interest-free over 15 months. For that fee, all hook-up, availability, and privilege fees will be paid PLUS we will run the line all the way to your house AND take your septic tank off line for you. There will be no further costs to the customer. Once the project is complete and they can flush the toilet in about 15 months, then they will pay a flat sewer rate of \$55 a month. This rate is locked in for the life of the DEQ loan, which is 20 years.

Let me speak for a moment about this sewer usage fee of \$55 a month. This is about \$12 more a month than the average sewer fee around the county. However, the Greenville residents will pay their rate of \$55 regardless of how much gallon usage they have. I know of one family that has signed on to hook up who currently live in Stuarts Draft. They have 3 children. They are tickled to death at the prospect of a \$55 rate because they are currently paying anywhere from \$60, \$70, and close to \$80 a month.

So even if residents are paying a little more now, over the course of 20 years that will amount to about \$3,000. Compare that to the \$12-13,000 that they saved up front. Further, sewer rates in the county don't stay the same forever. Twenty years ago, the average monthly rate in the county was \$8.40. So, rates have quadrupled. The Greenville rates WILL NOT go up. In 20 years the Greenville citizens might be the envy of the county with their \$55 a month rate.

So the key is holding fast to that \$1,000 one time hook-up fee and that \$55 a month fee. To do that we needed to achieve 106 connections. After running the numbers it was felt

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MANDATORY SEWER CONNECTION FEES – ORDINANCE (cont'd)

by the majority of the Augusta Co. Service Authority members and the Board of Supervisors that the only way to bring affordable sewer to an area that desperately needed it was to do a mandatory hook-up. This is done all over the state, but had never been done before in Augusta County. Looking at the history of sewer projects around the county with voluntary hook-up, the numbers had never been achieved to make the project affordable.

We held 2 public meetings in August, explaining the project and sent several letters of explanation. At those meetings I asked the community to step up to the plate and show the supervisors that you wanted this project. I said at those meetings that I would like nothing better to do than to come here tonight and say that we don't have to do a mandatory hook-up ordinance.

I am pleased to say that the village has stepped up to the plate. And I am so proud of them.

Let me tell you the numbers:

We have 83 commitment forms signed – several of those with the full \$1,000 deposit. Most of them are for the \$100 deposit.

Three commitment forms signed and are waiting until payday for the deposit.

We have 3 verbal commitments. That is close to the 106, but not entirely there.

I went around the village and talked to folks. They were overwhelmingly enthusiastic. People thanked me. I heard stories of having to dig out septic lines, doing emergency repairs, smelling raw sewage in the neighborhood. Most of the people were happy to have this.

Today as one woman handed me her check, she thanked me and said it would help the neighborhood that is filled with old houses. Her house turns 100 this year.

I have emailed back and forth with a young man who is a soldier in Afghanistan. His fiancé gave us their check and thanked me for helping the community that they have so proudly bought into. When he returns, they will proudly live in a community that they have invested in.

Of those 45 places, without health permits, 29 have signed up and committed and paid deposits. That leaves between 16-18 without known permits that have not signed up.

Although we advertised a mandatory hookup ordinance for the entire village, here is what I am proposing tonight. That there be NO required hookup, except for those who have NO KNOWN HEALTH DEPARTMENT PERMIT. That is 16 to 18 people. If those people produce a health permit, they are not required to hook up either. It is vital that these folks, without the permit, hook up for health and environmental reasons and because part of our funding is based on taking these systems that are not up to 2011 standards off line.

This is between 16-18, which gets us to the important number of 106.

For those with a health permit, engineered systems included, you are not required to hook-on. Now, we talked about the engineered systems in previous meetings. There are 7 in the village. Of those 7, 4 have hooked on and paid their deposits. The other 3 have functioning systems, less than 10 years old, so there will be no requirement for them to ever hook on; pay \$1,000 fee, pay any monthly fees. If their system fails, they will have to hook on. Just like anybody else, if there is a failing system in the future, they would have to hook up. So what we're proposing tonight is that the mandatory ordinance has scaled back drastically to those few who have not signed on, but, yet, have no permits.

So let me reemphasize, Greenville has come through with such flying colors that we are dropping the mandatory hook-up for the majority of the village service area. The ONLY folks who would be required to hookup are those with out a known health permit. If they can find one and they choose not to hook up, then they can opt out. If we go forward with this tonight, anybody else who decides to hook on will have until March 1st. At that point, we have to prepare an RFP and move forward with breaking ground and building the project. Even after tonight, if your mind is changed, you would have until March 1st to

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come to us at that \$1,000/\$55.00 a month rate.

MANDATORY SEWER CONNECTION FEES – ORDINANCE (cont'd)

I just wanted to explain those things up front before Mr. Morgan comes and explains that the ordinance that we advertised, and then the alternate ordinance, that would scale it back to just those people without the known health permit.

Patrick J. Morgan, County Attorney, asked if the second ordinance—not the original—was the only ordinance to be discussed. Chairman Shifflett said that it was the County Attorney's decision. Mr. Morgan stated that it was less intense than what was advertised and that if that is what Ms. Sorrells wanted and if the Board is in agreement, than that would be the way he would proceed.

Mr. Morgan explained that the ordinance will not require anybody, but those who do not have a Health Department permit, to hook up to the system. A map is shown on the ordinance designating the Greenville service area. He pointed that out because the service and monthly fees are guaranteed only in that particular area. People outside the area, who may wish to connect, will possibly have to pay higher fees. It would be up to the Board to determine later on. Basically, this ordinance requires that all property owners, without a Health Department permit, to hook up; any other property owner, if they have a permit or an alternate system, can voluntarily hook up to the system. Established in the ordinance are two phases, which says that the first phase shall commence at the effective date of this ordinance and shall end on March 1, 2012. The second phase will begin at the termination of the first phase and shall remain in effect until terminated by ordinance or by transfer of the system to the Augusta County Service Authority. Mr. Morgan understands that it is the intent of the Board of Supervisors to transfer the system to the Service Authority once the grants and loans are paid off. During the first phase, it establishes that the connection fee will be a flat \$1,000, and that during that first phase, the County will provide sewer line connection from the building to a trunk or lateral line at no cost for the property owner. The fee for the second phase goes up considerably as the availability fee of \$4,900; a hook up fee of \$1,000; privilege fee of \$3,800, totaling \$9,700. That fee will not include the cost to providing a sewer line from the building to the trunk or lateral line. The Board of Supervisors is then to establish a flat monthly fee once the system is established.

After having a discussion with Mr. Pyles, Mr. Morgan added that the ordinance should also reflect that those people, who have no Health Department permit (unless fees are paid in accordance with the ordinance), it will be unlawful for a person to occupy or lease any premises not connected to a public sewer, as required by this action. He emphasized that this would only apply to those persons who do not have a Health Department permit at this time.

The Chairman declared the public hearing open.

David Karaffa opposed the project. He felt that “people should be free to connect or not connect”. He felt that the sewer line should be paid for by the County, not by “targeting individual citizens that may not be able to pay”. He said federal stimulus money for the Chesapeake Bay cleanup and STAG money could possibly have been applied for to help with the cost.

Bill Tueting asked what the current hook up fee was; Bo Beasley, of the Service Authority, said it would be \$5,900. Ms. Sorrells said that, in the Riverheads District, it would be approximately \$10,000 due to the privilege fee. Mr. Tueting expressed concern for those who would decide to hook up later—if there were to be a locked-in fee. He felt that dates should be shown in the ordinance indicating the time period. He felt that the timeframe should

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be the same as what was shown in the proposed mandatory ordinance. He asked how many lots (or structures) came in because of new expanded area from what it was originally. He felt that there should be a time period for payments and asked what would happen if fees were not paid.

Donna Gorden, a resident of Greenville School Road, lacked a Health Department permit and would need to hook up to the system. At one time, she was not in the area to hook up to the system, and she appreciated Ms. Sorrells' work in getting her (and some of her neighbors) in the area.

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

Ms. Sorrells made the following comment:

I would like to say, first, that I appreciate everything the people of Greenville have done. I know a lot of you have come out here tonight to support the project. If you are here in support of the project, please stand up. (Approximately 25 people stood up.) These are the people that should be thanked. They are the ones that are coming through and they realize that this is really going to help their village. Some good questions were brought up by the speakers and I just want to give you a little bit more. We did hear today that we have received a \$60,000 grant that will help us help those people who are low-to-moderate income pay for that \$1,000 hook up. Even though that is a real deal, there are still some people that that is an incredible burden on them. That is very good news for that. As far as the fact that we are only requiring those who don't have a known health permit to hook up, anywhere in the county if you have a failed system, you are not going to be, by the Health Department, allowed to stay in your house. To stay in that house, you may be forced to do something like putting in an engineered system, which would be in an excess of \$20,000 and then yearly fees of \$400 to \$700 if you have the lot size to do it. A lot of the lots in Greenville don't even have that option. If you don't have a sewer system and you can't put in an engineered system, and you want to stay in your house, your only option would be the pump-and-haul. The pump-and-haul is that box, so it is the liquid that you are trying to get rid of, not just the solids. It means the lines are not working; so as soon as that box fills up – and that box is about the size of what you would envision as of the water trucks that run up and down the road – that is about 1,500 gallons and that is about the size of that tank. So as soon as that fills up, with all the water from your household and the solids, you have to pump it. It is probably every two or three weeks, a couple \$100 every time, and that's forever. So when you're talking about whether you can afford \$55 a month or can you afford \$400 or \$500 a month, that's the choice that we have to think about doing for those people who have systems that are probably going to fail if they are not failing now. I can tell you that there are a lot that are beginning to fail.

The question about the empty lots is a very good question. There are a number of empty lots—may be 10 in the village. At this point, without sewer, they can do nothing. If those people want to hook on, now, or in the future, they can do so. At this rate now, if it is an empty lot and they have a building going before 15 months are up and the project is done, then they get the full package for \$1,000. If they paid their \$1,000 and there is no building in 15 months, they will have to pay the \$55 a month user fee; and when they build a building in the future, they will have to pay to run from the transmission line to the house, but they will not have to pay that other \$10,000. We have had about three that have locked in for that. Most of the people with empty lots said they liked the lots as a buffer; so they have the option in the future, or future generations, to do that; they can use that empty lot. Now, about three of them are going to do that.

The thing about the area expanding—the area has really only expanded a house or two in or a house or two out. There were two houses on the edge that we took out. They had health permits; they had enough land that they could do something with if they had a failing system in the future. They had no desire to be in, so we have taken them out.

There was a question about where we were getting the financing from. We have been pretty open for a long long time about this. If you had come to the community meetings, you would have seen it in excruciating detail. It is always open and available. We will be glad to get you that. DEQ money, it is a combination of a grant and a zero-

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interest twenty-year loan and there is also the Department of Conservation of Recreation money and a little bit of money from the \$60,000 from Surcap which is looking at water quality in the south and then Supervisors' infrastructure money. So it is a combination of many sources that have brought this together. We did explore STAG money; Congressman Goodlatte told us not to even think about it. He said it was an earmark and he wasn't going to go there. So we did look into that pretty extensively, but that wasn't a road that we were able to go down.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance that is only mandatory only for those houses who have no known health permits (including the additional information mentioned). Ms. Sorrells noted that the \$1,000 hook up and locking in of the \$55 monthly fee will be good until March 1, 2012 (Phase 1). Phase 2 will include anyone interested in hooking up after March 1, 2012, would have to pay the \$10,000 and run the main line to the house. This will be in effect until the loan is paid off.

Mr. Pyles asked Mr. Fitzgerald to display a chart and made the following comment:

Ms. Sorrells, did you say something about the cost for the citizens would be payments of \$3,000 and something for the monthly payment?

Ms. Sorrells' response:

I said the difference between the average now for everybody else in the county and for the Greenville citizens is about \$12 a month over the course of the loan that would be \$3,000 difference they paid.

Mr. Pyles' comment:

If you look at this, let's just put a few things in perspective. This is \$3 million for about 100 homes. So it is around \$30,000 a house is what it is costing a taxpayer to some level to put this in. The number that Mr. Tueting was referring to given out at a Service Authority meeting as for each of the homes is going to cost around \$13,000 to supply the services for that house. This \$3 million does not add any capacity to treat wastewater. This is simply a distribution. One of the things that have come up often on this and it wasn't driven too much today, but it was in Mr. Trice's article on Greenville about the Chesapeake Bay. I think sometimes you have to understand what is narrative, what is discussion, what is salesmanship and what are the facts. On here is a chart that says what the goals are for Augusta County by the year 2025 as constituted by the Chesapeake Bay Act. You may not be able to read all those things, but it talks about all the loading problems, Nitrogen load, Phosphorous load, Sediment and that sort of thing. Its got on there the levels of problems. Animal operations represent around 14% of what Augusta County has to fix so it is over 1 million pounds of nitrogen load. There are Land and Crops with 1.1 million pounds of nitrogen; Hay-1.2; Pasture-2 million. Within those things that are the heart and soul of Augusta County, 73% of what we have to do is in those areas. That's where it comes from. When we look at septics, there is only 210,110 pounds. Only 2% of the problem is coming from septics. The 2010 census said it was over 30,000 homes in Augusta County. By count with Augusta County Service Authority, there is something like 8,400 homes on wastewater treatment. There are over 22,000 homes in Augusta County on septics. That's what most of the folks in Augusta County are on. Since the majority of the new homes, since the Service Authority got into a business, have gone into where we put in developments for that, most of the homes that are not on wastewater treatment on septic are older homes. My home is over 100 years old. Out in the country, a lot of them are. Are we going to be able to spend \$30,000 on every home in Augusta County to bring them up to a compliance some day? I'm asking. I know you know we can't do that. We wouldn't do that. So we have to look at cost in value for anything we do. But when we look at this and we consider that only 2% of our problem is with septics, then we look at 100 homes out of 22,000 homes, it is 100th of 1% of the problem with septics that we are correcting by taking 100 homes off of that problem. So we aren't doing anything about the Chesapeake Bay Act by doing this. One 100th of 1% is negligible for \$3 million. We've got no money set aside or planned for

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where we have real problems that are going to have to be addressed. One of the things, if you take note of, you'll see that there is actually in our goals, there is a growth in unmanaged grass. What the plan is to do is to take land out of agriculture and put it into just open space. So one of the goals here is to take like 6% of our farmland and make it just open space. That to me is a significant problem for us and we're trying to do that is going to be costly. Same time we have these problems, we got folks wanting to bring in biosolids that weren't calculated when we did this. We've got a lot of problems to fix around this situation with the Chesapeake Bay and I don't know that we can say that this is the best use to correct that problem of \$3 million. You know sewers are good things to have. As far as the public health goes, Ms. Sorrells has talked long about the problems in Greenville. I contacted the Health Department. I said how many failing systems are in Greenville. They said none. That's what they said back to me. There are no failing systems in Greenville. Will systems fail? I guess they will. But there are just less efficient. They aren't failing now. Now, we have uncovered the situation where folks are being told you might have trouble selling your house now because we figured out that you don't have a permit. I don't know whether we wanted to stir that up, but I went to the Health Department, again, and said how many homes in Augusta County do not have your permits. They couldn't say. It has not been an agenda item for them. It wasn't that big of a health concern that they were out there matching all of our homes to say who's got it and who doesn't. So, you know, I guess it is better to have it than not to have it. If it is going to be a million dollars from the federal government, which they don't have, and a million dollars that comes from the state, which they don't have, and a million dollars that comes from taxpayers, and everybody in Washington and Richmond and Verona thinks it is a good idea to spend this \$3 million, well, I guess they'll do it. But when you get down to saying that we're going to throw you out of your house if you don't connect, and you don't pay, you got to draw the line somewhere. You can't allow that. Anybody who would vote for that here, will they vote for mandatory payments by farmers? I don't think this group will want that group to come in here. It is one thing to tell 18 or 20 household members in Greenville, that don't have political clout or much money, this is what you are going to do; but it is quite another to tell all the folks that have million dollar farms and stuff we're going to mandate to you what you have to do. That is just plain wrong. It is not American. It is not right in Augusta County. Ms. Sorrells has said, "Well, the Health Department does that anyway. They will want you out of your house." Well, they might, but right now, Ms. Sorrells is saying you're guilty until you're proved you are innocent. You are not complying unless you get a note from the Health Department when it is supposed to be the other way around. The Health Department comes to you and tells you you're not in compliance. I would hate to think that in my 100-year house that these folks came in and said, "We're running the sewer line through here and you must connect and pay \$110 every two months" (because that is the way the billings go) and my system is working fine. You've got to draw the line with something. You can make it work. I think you've got to find a way to make it work with 83 or whatever. If you have to adjust what people pay, you've got to adjust it. But if folks see that they are getting the value for it, then they should be able to pay a little more. If some people don't want to pay now, and take the risk that they are going to have a system that fails, and they are going to have pay \$9,000, well, that's the chance you take. When I moved into Churchville, I had two mortgages and renting a house, so I could fix that 100-year-old house I bought. I did take advantage of the lower cost water there. I couldn't afford it with all the rest I had so I paid the higher rate later. You make those choices. But we shouldn't be making the choice for you that you have to hook up. Make it work with whatever you got out there. You folks dig a little deeper to make it work, but don't impose on your fellow citizens a mandate to do something that they shouldn't have to do.

Mr. Beyeler made the following comment:

You know this can become an emotional roller coaster. I've been on this Board a long time and I recall when we had a similar problem at New Hope. This County stepped up to the plate and, you know, you looked at it and you said, "Why are we doing that?" But if you have a failing system, and this is a 20-year plan, most of those people are on a private system in Greenville, you're going to have a problem in 20 years. This is the best deal I've seen in a long time to hook up. We have monies in here for those who can't afford it, that Nancy referred to. We can make it emotional. Now, Mr. Karaffa got up and talked about the area he lives in in Augusta Farms. Mr. Karaffa, I was on the Board when we put money in that area, too. That was a brand new subdivision. There are monies that have gone in other areas, too. Nobody likes to be told that they have to do something; but, if your septic system fails, what do you have? You cannot put in another

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septic system if sewer is available. That's what this is going to be. Those systems that don't have a permit, I would bet anybody the majority of them would have to put something in within that 20-year period. Greenville has stepped up. Eight out of ten people in Greenville on these lots have stepped up. Where else do you get that kind of response? I recall putting sewer in Stuarts Draft. Everybody wanted it. We put it in there and very few hooked up because they didn't think they had to. Now, it is there available if their system goes bad. This is a good deal for everybody. I've told Nancy before, and I'll say it publicly, this is probably the greatest thing that she has done on this Board. Some of you may not think so now, but ten years down the road, you'll agree with that.

Chairman Shifflett made the following comment:

I discussed this with Nancy ever since she first approached me about Greenville Sewer up there. One of the things that has given me the greatest heartburn in making a decision is with those mandatory connections. That is not just with this; I do remember when working on the Urban Service Overlay meetings that we had about a home within so many feet of the sewer line, they would have to connect. At that time, that gave me the greatest heartburn with that. You look at areas across the state; they do have mandatory connections; Augusta County doesn't. In thinking of this, it has been a tough decision. I want to thank the citizens of Greenville that have signed up to go forward with this, but there are still folks there that don't want to sign up whether they can afford it or not or it may create a hardship on them. I still feel the same way and I'm not going to support the mandatory connection for those lots that need to be hooked up.

Mr. Beyeler made the following comment:

I want to say one other thing. I haven't said this publicly, but I'm going to say it in public. I feel so strongly that Greenville needs this project to go forward that I have told Nancy that if she needs additional infrastructure money, that South River will provide.

Mr. Howdysshell made the following comment:

Mr. Beyeler graciously offered to come up with the money that we would need to make it work. Do you have a figure for that? Could we just go with that and not do the ordinance for mandatory?

Mr. Beyeler's response:

The ones who do not have a permit, I still want them to have the mandatory. But if you add the numbers up, we're at the minimum.

Ms. Sorrells' response:

106 is the number. We're pretty close to it. Without the system that does not have a permit, it is 89. With the ones who don't have permits, it's 16 or 18; so that 115 (89 + 16). I would add if those without the health permits do not sign up, DCR money is based on taking those systems off line because they are the ones that are targeted that have a potential to be the highest risk. If they don't sign up, then we will have less money to fund the project, so we will need more money.

Mr. Beyeler's response:

Mr. Howdysshell, to answer your question, my figure is under \$100,000.

Mr. Howdysshell's comments:

What is the drop-dead date for capturing your money, grants and all that?

Patrick J. Coffield, County Administrator, reported that DEQ called him yesterday and e-mailed him this afternoon and asked that he e-mail DEQ after tonight's meeting for a status report because of others waiting for these funds.

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Mr. Howdyshe'll's comments:

It is a real concern – health concern. Most all of our ordinances, you talk about things being mandatory, is to protect other people. My question to myself is if you have a person that doesn't have a legal system or doesn't have a permit and then it goes bad, and then it is affecting everybody that is close to him. I look at the health side of it and it weighs pretty heavy on me. I know, almost 40 years ago, now, I was working construction and the Town of Dayton came up with a mandatory hook-up of sewer. It wasn't very popular and they probably have a lot more houses to deal with, but it was basically the same thing. When you get in condensed areas, the problems may not expose themselves yet but they are going to be there. You talk about how we spend taxpayers' money. We spend for various things – roads, Ruritans, ballfields, the whole nine yards, but this has to deal with health. These people have a grand opportunity to help their whole community and themselves health-wise. When Nancy brought this thing about, she was talking about some digestive system and digging up everybody's yard, it just didn't sound good to me at all. I said, "Nancy, you need to put it in a pipe." She's worked towards that direction. I appreciate her doing that. It needs to be in a pipe and go to a regulated sewage treatment facility. That's the question I have—the health of that area. Is it going to be beneficial to everybody that lives in that area? I reckon the other question, do we have it too confined? Could we open it up a little more for other people?

Ms. Sorrells' response:

We actually have several people a little bit further up the road who made deposits and would like to hook on if we can, when we do the engineering and start doing the numbers, if we can run it there. We can open it up a little bit in that whole stretch on Route 11. The Comp Plan has that kind of thing that it calls for. We have an interested landowner who we've talked to; we didn't want to put him in this accounting because it would be hard to figure out, but he is very interested if the project should go, of coming forward and expanding a little bit just like you're talking about to make it beneficial and comply with the Comp Plan and get some good density and some good growth and protection for the village and surrounding area as well.

Chairman Shifflett asked Ms. Sorrells to restate the motion.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance that is mandatory only for those houses who have no known health permits. Should they provide health permits, they will not be required to hook on. She noted that the \$1,000 hook up and \$55 monthly user fee will be good until March 1, 2012 (Phase 1). Phase 2 will include anyone interested in hooking up after March 1, 2012, and would be required to pay the total hook-up availability and privilege fees in the approximate amount of \$10,000 along with running at their own expense the main line to the house.

**AN ORDINANCE TO PROVIDE FOR SEWER CONNECTION
FEES FOR CERTAIN DESIGNATED AREAS OF AUGUSTA
COUNTY**

WHEREAS, Section 15.2-2122(7) of the Code of Virginia allows County to charge sewer connection fees; and

WHEREAS, the Board of Supervisors finds it desirable to authorize the collection of such fees in designated areas of Augusta County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that Section 24-3 of the Augusta County Code is enacted to read as follows:

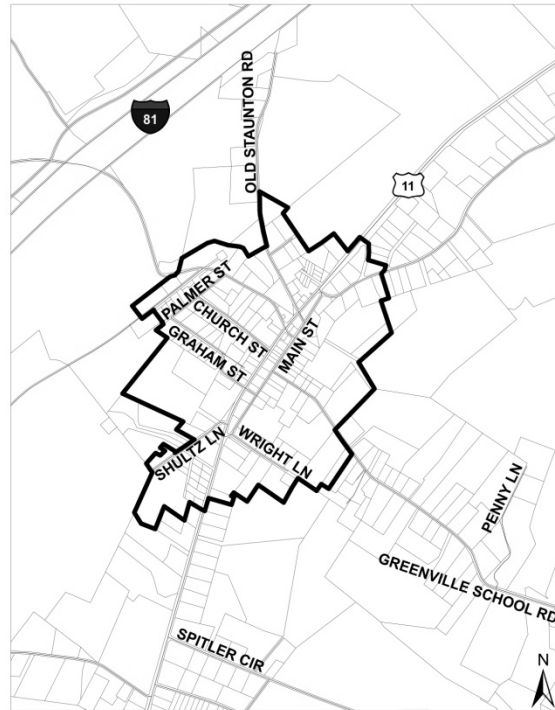
**24-3. Sewer Connection fees in Certain Designated Areas of Augusta County
A. Designated Areas**

The provisions of this section shall apply to the following defined areas only:

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MANDATORY SEWER CONNECTION FEES – ORDINANCE (cont'd)

1. The Greenville Village Service Area as depicted on the map below:



B. Connections

1. The owner of any dwelling or other building in which human beings can live or congregate shall, whenever a trunk line or lateral sewer line is available, connect such dwelling or building with such trunk or lateral line sewer. Sewer lines shall be available if any of the conditions set forth in §25-505 of the County Code are met.
2. Septic tank systems that have been permitted by the Virginia Health Department may continue in use to serve properties where a trunk line or lateral line sewer is available, until such time as such septic tank system becomes in need of repair. At such time connection to the sewer lines will be required.
3. Properly functioning alternative onsite sewage disposal systems that have been permitted by the Virginia Health Department may continue in use until such system is in need of repair. At such time connection to the sewer lines will be required.

C. Fees

1. The Sewer System Construction process shall be divided into two phases. The First Phase shall consist of planning, design and construction of the initial service area. This phase will be financed by several grants and loans made by the Commonwealth of Virginia. These grants and loans were made to minimize the connection costs to the property owners in the service area. The First Phase shall commence on the effective date of this ordinance and shall end March 1, 2012. The Second Phase of the process shall begin at the termination of the First Phase and shall remain in effect until terminated by ordinance or by transfer of the system to the Augusta County Service Authority.

2. In the First Phase of construction of the Greenville Village Service Area Sewage System, the connection fee shall as follows:

a. Availability fee	\$0
b. Hook up fee	\$1,000
c. Privilege fee	\$0
Total	\$1,000

During the First Phase of construction, the County will provide a sewer line to connect a building to a trunk or lateral line at no cost to the property owner.

3. The fee for connections to the sewer line in the Second Phase shall be as follows:

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a. Availability fee	\$4,900
b. Hook up fee	\$1,000
c. Privilege fee	\$3,800
Total	\$9,700

These fees shall not include the costs of providing a sewer line from a building to a trunk or lateral line.

4. The Board of Supervisors shall establish a flat monthly fee for usage of the Greenville Village Service Area sewer system. The fee shall be Fifty-five dollars (\$55.00) a month. In the event that the system is conveyed to the Augusta County Service Authority; the Service Authority shall have authority to set connection fees and usage fees for the system consistent with fees it sets for all of its customers.

5. Unless connected to a septic system or alternative onsite sewage disposal system permitted by the State Health Department, it shall be unlawful for any person to occupy, lease or rent any premises, not connected to a public sewer, as required by this section, and each day of such occupancy shall constitute a separate and distinct violation.

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

Nays: Shifflett and Pyles

Motion carried.

* * * * *
(END OF PUBLIC HEARINGS)
* * * * *

Chairman Shifflett called for a 5-minute recess at 8:30 p.m.

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BROADMOOR GOLF CART REQUEST

The Board considered a request to allow golf carts on the roadways located in the Broadmoor area of Stuarts Draft (South River District).

Mr. Fitzgerald advised that there has been a citizens request for golf carts in the Broadmoor area in Stuarts Draft and displayed the property. A golf cart ordinance was recently adopted that would allow these types of requests. A petition of over 290 signatures of support had been submitted. Two letters of opposition had also been submitted – one from Cambridge Drive and one from Stuart Avenue. The ordinance requires a public meeting and Board approval. He added that it is adequate for golf carts to be operated in this area.

Mr. Beyeler noted that the petition represents 89-90% of the people in this area. He added that the speed limit is 25 m.p.h. and felt that it was safe for golf cart usage.

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

Mr. Coleman clarified that an ordinance has been adopted where communities who wanted golf cart usage could come before the Board for approval. Communities did not have to accept golf carts.

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

Nays: None

Motion carried.

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GOLF CART SIGNAGE

The Board considered a request to fund signage associated with Broadmoor proposal.

Funding Source: South River Infrastructure Account #80000-8016-61 (10 signs @ \$200 ea.) \$2,000

Mr. Fitzgerald advised that, along with the Broadmoor request approval, signage is required on appropriate streets as designated. Basically, the signage is to be placed on any entrance to the subdivision indicating that golf carts are allowed. The cost of signs are estimated to be \$200 each.

Mr. Beyeler noted that a \$443 fee for advertisement was paid by the citizens.

Mr. Beyeler 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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DIAMOND CLUB

The Board considered donation to the Diamond Club for bleacher and parking lot project.

Funding Source: South River Recreation Account #80000-8026-24 \$71,650

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing.

Mr. Beyeler moved, seconded by Ms. Sorrells, 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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CASSELL ELEMENTARY SCHOOL PLAYGROUND

The Board considered (A) playground project to include \$25,000 Recreation Matching Grant and \$100,000 Infrastructure donation; and (B) approval of Grant Agreement.

Funding Sources:	Wayne Infrastructure Account	#80000-8017-71	\$37,500
	Wayne Recreation Account	#80000-8027-39	\$25,000
	Middle River Infrastructure Account	#80000-8012-66	\$62,500

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing. The citizens plan to raise \$25,000; Augusta County will match that \$25,000, with an additional \$100,000 to go towards the playground project.

Mr. Coleman recognized Larry Weeks, of the Cassell Parent Teacher Organization (PTO). He reminded the Board that we have been in the process countywide of replacing the wooden structures. Also, as part of this request, the plan is to upgrade. He noted that there has been School Board discussion of closing Ladd Elementary School with the possibility of some of those students being placed in Cassell Elementary. No decision has been made yet.

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CASSELL ELEMENTARY SCHOOL PLAYGROUND (cont'd)

Mr. Coleman 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.

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NATURAL CHIMNEYS WATER SYSTEM

The Board considered allocation of funding to improve water system at Park.

Funding Sources:	North River Recreation Account	#80000-8023-34	\$23,000
	North River Infrastructure Account	#80000-8013-32	\$ 5,000

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing and noted that there had been an earlier presentation on the well and the need to upgrade the water system. On Monday, the Board received a report from the Augusta County Service Authority on the anticipated total cost. Mr. Howdysshell had requested for a "start-up" funding. This may be revisited with additional information.

Mr. Howdysshell noted that Natural Chimneys is not showing contamination all this time, but periodically. "Most things don't get better. We need to deal with it. We need to keep the campgrounds attractive and safe for all who visit."

Mr. Howdysshell 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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RIVERHEADS HIGH SCHOOL ATHLETIC FIELD PROJECT

The Board considered baseball field reconstruction and rehabilitation project.

Funding Source:	Riverheads Recreation Account #80000-8025-34	\$20,000
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Mr. Coffield advised that this had been discussed at Monday's Staff Briefing.

Ms. Sorrells added that a lot of the match is coming from citizens who are providing the excavation.

Ms. Sorrells moved, seconded by Mr. Beyeler, 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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September 28, 2011, at 7:00 p.m.

REGIONAL MUTUAL AID AND AUTOMATIC AID AGREEMENTS

The Board considered Fire agreements with Staunton (renewal) and Waynesboro (new).

John C. McGehee, Assistant County Administrator, advised that this had been discussed at Monday's Staff Briefing. Chief Holloway was present to answer questions if needed. Mr. McGehee added that the Staunton agreement has been very successful and is very excited about the new agreement with Waynesboro to get automatic aid out in the County surrounding Waynesboro, and, in turn, Preston Yancey and Dooms will come into the City to help on structure fire and alarms. He noted that this "could only enhance ISO issues both for the cities and the county because you have more manpower showing up on an automatic basis".

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve Staunton (renewal) and Waynesboro (new) Fire Agreements pertaining to Mutual and Automatic Aid Agreements be approved contingent upon Staunton and Waynesboro City Council approvals.

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

Nays: None

Motion carried.

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PRESTON L. YANCEY FIRE DEPARTMENT ISO

The Board considered ISO criteria to re-evaluate Fire Protection classification.

Mr. McGehee advised that this had been discussed at Monday's Staff Briefing. Because of discussions with ISO representatives and the County Attorney, Fire Chief Holloway has recommended a resolution, addressing the issues at hand, be adopted if the Board agrees to approve. The resolution was attached to tonight's agenda. In summary, the proposal is to incorporate one large first due area that will incorporate Company 10's first due area and Preston L. Yancey Volunteer Fire Company's first due area in the County under the jurisdiction and leadership of the Chief of Augusta Fire and Rescue. Mr. McGehee added the PowerPoint was available if the Board wished to see it again. He noted that Messrs. Garber and Howdyshell have been briefed after Monday's meeting.

Mr. Coffield confirmed that both Mr. Garber and Mr. Howdyshell had been briefed Tuesday morning.

Mr. McGehee added that the ISO representatives will come back in the middle of October to re-look at the Yancey area if this is approved tonight.

Mr. Beyeler asked Mr. Coleman if Preston Yancey is in agreement with this. Mr. Coleman reported that this particular motion and action has been discussed with Robert Gomez, Chief; John Kingsley, the Assistant Chief; Larry Swisher, President of the Fire Company; and Fred McNeal, Chairman of their Board; and they are supportive of the Board of Supervisors approval.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board approve the recommendations as outlined in Chief Holloway's report of August 26, 2011 be approved along with the attached resolution. Additionally, that staff be directed to coordinate ISO "regrading" with Preston L. Yancey Volunteer Fire Department.

September 28, 2011, at 7:00 p.m.

PRESTON L. YANCEY FIRE DEPARTMENT ISO (cont'd)

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

WHEREAS, problems have arisen with ISO rating of Preston L. Yancey Volunteer Fire Company; and

WHEREAS, it is desired to remove the individual boundaries of Preston L. Yancey Volunteer Fire Company and to combine it with Company 10 of the Augusta County Fire & Rescue making it into one large fire district under the jurisdiction of the Chief of Augusta Fire and Rescue.; and

WHEREAS, under the provisions of §27-23.1 of the Code of Virginia, the Board of Supervisors is empowered to create and establish fire/EMS zones or districts within the County.

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

1. The individual boundaries of Preston L. Yancey Volunteer Fire Company are hereby removed and the present Preston L. Yancey Volunteer Fire Company and Company 10 of Augusta County Fire & Rescue are hereby combined into one large fire district and, in accordance with §27-6.1 of the Code of Virginia, under the jurisdiction and leadership of the Chief of Augusta Fire and Rescue.

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

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

Nays: None

Motion carried.

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EMERGENCY SERVICES BUDGET AMENDMENTS

The Board considered approval of budget appropriations deferred from May 4th Budget Meeting.

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing. He noted that this goes back to the "Garber Plan" which had been deferred for the outcome of the independent study that the State Fire Board had presented. He had been asked to make recommendations as part of the budget process. A number of recommendations had been deferred such as: Additional Fire Personnel; Sheriff's Department Sergeant Position; IT System Tech; and Volunteer Fuel. The Board approved the Volunteer Fuel supplement last month of \$90,000. The following revised recommendations have been made:

1. Proceed with hiring a Deputy Fire Chief	\$ 86,256
2. Proceed with Sheriff's Department Position (Sgt.)	60,855
3. IT System Tech (PT)	<u>19,928</u>
	\$167,039

He added that in light of the current staffing and the economy and other agency needs, this could be considered as a "bridge" recommendation. "It doesn't mean three years or five years from now, we won't come back with additional requests, but we feel this is a solid request to go forward at this time."

Chairman Shifflett said that, at the Emergency Officers Association meeting last night, the members were updated of this recommendation. The Association supported this recommendation as it would decrease the workload on the current Fire Chief and would

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EMERGENCY SERVICES BUDGET AMENDMENTS (cont'd)

allow the current Volunteer Coordinator to be able to focus more on volunteers. He supported the recommendation.

Mr. Coleman moved, seconded by Mr. Garber, that the Board approve the County Administrator's recommendation, not to exceed the amount of \$167,039, which is earmarked in the current approved County Budget.

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 PUBLIC

Kurt Michael mentioned that a year ago in August, there was an issue with Preston Yancey Fire Department. At that time, he had learned that the County had a Fire Plan in 2000 and 2005, which he felt that the County ignored. In 2008, the County was aware of Yancey's issues and Mr. Michael felt that it was ignored. He noted that a 2011 County Fire Plan was created. He stated, "I am glad that this Board is now taking Fire and Emergency Services seriously. It took the organization of five homeowners associations, Emerald Hills, Teaverton, Goose Creek, Village Green and Enchanted View to pull this together. On behalf of these homeowners associations, who helped this ahead, I'm glad, finally, this County is taking Fire and Emergency seriously. Mr. Coffield, I hope you continue down this route and take a serious look at Fire and Emergency services throughout the County and to continue to support them—support our volunteers, and do the right thing. I applaud you for what you are doing. Keep up the good work."

Mr. Coleman made the following comment:

I would like to make my own personal comment and observation in terms of the comment we just heard. As a representative in that district, my house that I live in, in terms of that, and what we just heard is not the complete truth that this Board did nothing. This Board has been very proactive. This Board, by policy, never forced career staff on our volunteers. Our volunteers came to that point. You can look at the history. The history and the record is what the history and the record is. When the initial firefighters went into Preston Yancey, and when the Board put the sixth one there, and two on a shift, and then, of course, the Board took the steps, and even the action the Board has taken tonight as a result of the Virginia Fire Services Board, and for somebody to say without some level of rebuttal that, in fact, this Board has done nothing until recently, according to this Board member, that is not the case. You, the general public, can do with that what you may and sort that out if you are so inclined to sort that out. I could not sit here and just simply hear that along with the rest of you and not say anything about that and then you all get up and leave saying, "Well, that must be the way it was and is because none of the Board members had anything to say about that, and Mr. Coleman in particular didn't say anything about it." I just could not sit here in good conscience and hear that again and you all to leave either believing that or not knowing what to believe.

Mr. Pyles made the following comment:

Rebuttal to the rebuttal. The letter came in and we did nothing. 2008, the notice of the ISO problem was totally ignored. You can't say that we did anything about it. The thing that we're doing tonight, we could have done back then had we chosen to. We had another priority. We jumped out of the plan and put a station where we don't need a station. We needed it further south or further north. We didn't go by the plan that we had paid to get by professionals. We did totally ignore that memo. I didn't get a copy of it. I

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

wasn't told about it and we did nothing about it. That's true. We're just now, three years later, fixing it. That's my statement, my vision, my understanding of what we have done and not done on this Board.

Mr. Coleman's comments:

My rebuttal to that is, in terms of the letter that he is talking about, and that is still very much a bone of contention as we continue to work with volunteers throughout this County. These volunteer fire companies are 501C(3)s. They are independent companies. The letter did come in. There were certain people aware of the letter. The letter, Preston Yancey in particular, put together a corrective action plan that we eventually found out that Preston Yancey did not follow through with ISO in terms of the things that they told ISO that they would do.

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WAIVERS/VARIANCES

Mr. Fitzgerald reported that information had been distributed to the Board regarding a request from Augusta Health for a waiver to place a 6' x 8' sign along Route 250 in Churchville at their new medical office that will not be illuminated. He displayed the property outlined in blue, which is zoned Business. Across the street, is zoned Residential. The current ordinance does not allow a freestanding sign larger than four square feet to be erected within 100' of a residentially zoned district.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the waiver.

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

Nays: None

Motion carried.

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CONSENT AGENDA

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

MINUTES

Approved the following minutes:

- Joint Meeting, Tuesday, September 13, 2011
- Regular Meeting, Wednesday, September 14, 2011

ENVIRONMENTAL SUSTAINABILITY PLAN

Considered Environmental Sustainability Plan.

STUARTS DRAFT SIDEWALK – RESOLUTION

Considered submittal of grant and adopted the following resolution for request to VDOT for Transportation Enhancement Funding:

**RESOLUTION ENDORSING THE
SCHOLASTIC WAY SIDEWALK PROJECT
TRANSPORTATION ENHANCEMENT PROGRAM GRANT APPLICATION**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in Augusta County, Virginia;

September 28, 2011, at 7:00 p.m.

CONSENT AGENDA (cont'd)
STUARTS DRAFT SIDEWALK – RESOLUTION (cont'd)

NOW BE IT FURTHER RESOLVED, that Augusta County requests the Commonwealth Transportation Board to establish additional funding for the construction of Scholastic Way Phase 1 of approximately 2,200 linear feet of sidewalk plus curb and gutter; Phase 2, including approximately 1,800 linear feet of sidewalk within the Stuarts Draft School Complex; Phase 3 of approximately 800 linear feet of sidewalk connecting Augusta Farms Road and U.S. 340 with Stuarts Draft Middle School to include associated lighting and bike racks, street crossings and pedestrian crossing at U.S. 340; and

BE IT FURTHER RESOLVED that Augusta County hereby agrees to pay twenty (20) percent of the total cost for planning and design, right of way, and construction of Scholastic Way Sidewalk Project and that if Augusta County subsequently elects to cancel the Project, Augusta County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Vote was as follows: Yeas: Howdysshell, 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. Garber: Shenandoah Valley Regional Airport – received a \$150,000 grant to further promote air service.

Mr. Beyeler: “Campaigns bring out strange bed fellows. Some of that comment on the fire situation, I consider pure politics.”

Ms. Sorrells: “While Augusta County is not perfect, we do not do nothing.” In 2000, we had 18 career people; in 2005, we had 33 career people. Today, we have 75 authorized positions. “We do a lot! To our credit, we are continually evaluating ourselves in trying to improve. I would like to praise our Fire and Rescue people for all the work and all the volunteers. We have a wonderful system and we’re always trying to work on improving it. This Fire Services Plan, we’re trying to go through it, implement it together with the officers piece-by-piece. It’s a work in progress, but I think it’s, overall, we’ve been doing a lot of work and going in the right direction.”

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MATTERS TO BE PRESENTED BY STAFF - NONE

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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]:

September 28, 2011, at 7:00 p.m.

CLOSED SESSION (cont'd)

A) Boards and Commissions

(2) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)

[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) Tax Exemption Request

(3) the procurement exemption under Virginia Code § 2.2-3711(A)(30)

[discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, as permitted under subsection (A)(30)]:

A) Paving bids

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

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

Nays: None

Motion carried.

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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, Shifflett, Pyles, Sorrells, Howdyshell, Garber and Beyeler
NAY: None

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

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September 28, 2011, at 7:00 p.m.

RECYCLING COMMITTEE REAPPOINTMENT

Mr. Pyles moved , seconded by Mr. Howdyshell, that the Board reappoint Carl R. Cline to serve another 4-year term, effective September 25, 2011, to expire September 24, 2015.

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

Nays: None

Motion carried.

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GOVERNMENT CENTER PARKING LOT PAVING

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board award the Government Center paving contract to Moffett Paving and Excavating Corp. provided no bid protest is received by October 7, 2011.

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, Ms. Sorrells 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

County Administrator